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U.S. POLICY IN THE WESTERN HEMISPHERE

HEARINGS

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

SECOND SESSION

ON

S.J. RES. 144

Declaring that it should be the policy of the United States Government to encourage unconditional negotiations for the purpose of achieving a cease-fire and a political settlement to the conflict in El Salvador

S. 2179

A BILL To amend the War Powers Resolution to require specific authorization before the introduction of any United States Armed Forces into hostilities in El Salvador, and for other purposes.

AMENDMENT No. 1334 TO S. 2179

Purpose: To reaffirm the 1962 joint resolution concerning the Monroe Doctrine, the Rio Treaty, and the threat of Soviet-Cuban aggression in the Western Hemisphere.

S. 2243

A BILL To condition United States military support for El Salvador on participation by the Government of El Salvador in negotiations with all major parties to the conflict which are willing to engage, without preconditions, in such negotiations for the purpose of achieving a cease-fire and an equitable political solution to the hostilities.

S. 2370

A BILL To amend the Foreign Assistance Act of 1961 to require specific authorization for the provision of additional military personnel, security assistance, or defense articles for, or for carrying out certain intelligence activities with respect to, any country in Central America, and for other purposes.

S.J. RES. 158

Expressing the policy of the Government of the United States of America with respect to the Government of Cuba.

APRIL 1, 20, 27, 28, MAY 4 AND 26, 1982

Printed for the use of the Committee on Foreign Relations

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SETTLEMENT TO THE CONFLICT IN EL SALVADOR

THURSDAY, APRIL 1, 1982

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 10:13 a.m., in room 4221, Dirksen Senate Office Building, Hon. Charles H. Percy (chairman of the committee) presiding.

Present: Senators Percy, Hayakawa, Kassebaum, Pell, Zorinsky, Tsongas, and Dodd.

The CHAIRMAN. We are meeting this morning to hear reports on the very good news of the March 28 El Salvador elections and to reflect on future prospects for the political system in that country.

Senator Kassebaum, Congressman Bob Livingston, and Congressman Bob Murtha were members of the official U.S. observer team and spent the week in El Salvador talking with candidates, watching the voting and the tallying. Deputy Assistant Secretary Briggs was also a member of that team.

Mr. Secretary, I would suggest that you take a chair with the panel so that we combine our first two panels as listed on our agenda.

You all had the good fortune to be present in El Salvador to see one of the most remarkable election processes the world has seen. From the depths of despair, from the minimum turnout expectations of a few weeks ago, it has turned into a great sense of satisfaction and joy throughout the free world to see that this process really does work.

When people are given a chance, they will express themselves. And that chance and that ability to express themselves is so treasured that they would endanger their own lives and their own safety in order to demonstrate to those who are threatening them that they have that right and that they intend to exercise it.

To see nearly 1½ million people come out to vote when just the day before there were hopes expressed that there would be as many as half a million is unbelievable when we take into account the circumstances prevailing in El Salvador.

The turnout did far exceed the expectations of even the most optimistic forecasters. Clearly, the people in El Salvador have demonstrated a profound patience for the Salvadoran political system. They have given ample testimony to the leftist opposition that violent tactics will not win their support, and they overwhelmingly rejected such tactics.

This election has given El Salvador and its aspiring political leaders a little more time to work out a viable political response to the

current situation and crisis. The Salvadoran parties which won seats in the Constituent Assembly now face the most difficult part of their campaigns, that of reconciling their differences and organizing a responsible government.

Their task is not easier, with the eyes of the world upon them. Let there be no doubt that world opinion does expect the government that emerges out of the negotiations now underway between the parties to move steadily forward with the difficult and important tasks of building a new political system, implementing further aspects of the economic and social reforms undertaken by the Duarte government, developing a new consensus on respect for human rights in El Salvador, and finally, ending the civil violence and the war.

If any one message was sent out clearly, as I am sure our distinguished guests will testify, the people of this country said, we should solve our problems without violence, without intimidation, without repression. We ought to use the God-given reason that we have to think through our problems and find a way to make progress for all the people—not with bullets but with the ballots that they cast.

These tasks would not be easy for even the most experienced political leadership in the most tolerant of societies, and the newly elected deputies are not experienced politicians nor has El Salvador traditionally been a tolerant society.

Salvadorans are going to require our firm backing and encouragement as they undertake their new responsibilities. But as often said before, continued American support for their government continues to be conditioned—it is conditional support, based on clearly demonstrated progress in complying with the conditions of the certification passed last December.

I am happy, gentlemen, to have each of you respond as you will, to give us your offhand observations of what you saw, felt, and experienced. And I congratulate you once again on going down to represent the United States of America, and on your safe return from an enriching experience that you will probably never forget in your lifetimes. I do not think we will forget the testimony which you are about to give. Thank you.

[Text of S.J. Res. 144 follows:]

97TH CONGRESS
2D SESSION

S. J. RES. 144

Declaring that it should be the policy of the United States Government to encourage unconditional negotiations for the purpose of achieving a cease-fire and a political settlement to the conflict in El Salvador.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10 (legislative day, JANUARY 25), 1982

Mr. TSONGAS (for Mr. DODD) (for himself, Mr. TSONGAS, and Mr. KENNEDY) introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

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JOINT RESOLUTION

Declaring that it should be the policy of the United States Government to encourage unconditional negotiations for the purpose of achieving a cease-fire and a political settlement to the conflict in El Salvador.

Whereas the conflict in El Salvador has inflicted on the people of that country a tragic toll in lives and property;

Whereas the conflict appears to be a stalemate with no end in sight;

Whereas the continuation of the conflict will further polarize the political climate in El Salvador and place in jeopardy the peace and security of the Central American region;

Whereas the Government of El Salvador has demonstrated its commitment to the holding of elections;

Whereas the combined political and military leadership of the insurgent opposition has declared its willingness to engage in negotiations without preconditions to end the conflict;

Whereas other groups and nations in Central America and Europe have announced their willingness to facilitate such negotiations; and

Whereas the present opportunity to pursue such negotiations is a unique moment in the history of the conflict and may not be repeated: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That with respect to the conflict in El Salvador, it should be the policy of the United States Government to encourage all parties to the conflict—

(1) to begin unconditional negotiations for the purpose of achieving a cease-fire arrangement under international supervision, and

(2) to pursue these negotiations for the purpose of reaching an overall political settlement to the conflict, one element of which would be open and free elections under international supervision.

The CHAIRMAN. I will leave it to you to flip a coin to see which Member of the House would like to go first.

Representative LIVINGSTON. Mr. Chairman, since I am sitting in the middle, perhaps I should start off, with the agreement of these gentlemen.

The CHAIRMAN. Fine. Thank you.

STATEMENT OF HON. ROBERT L. LIVINGSTON, A REPRESENTATIVE IN CONGRESS FROM LOUISIANA

Representative LIVINGSTON. First, I would say that that was a very fine opening statement. I think you pretty well summarize the feelings of the entire delegation.

It was a moving and emotional experience for all of us. It was also a unique experience for me to work with such a great group of people. We had a diverse group or assembly of people in the delegation from all walks of life.

Frankly, I was greatly moved to see how well we worked together under somewhat trying circumstances. I want to give a special credit to our great chairman, the Senator from Kansas, Nancy Kassebaum. She did an outstanding job in representing each of us and in representing the entire Nation down there in El Salvador before the world press. She expressed herself eloquently. She was gracious, and she was a delight to work with. So I particularly appreciated her leadership for the delegation.

The CHAIRMAN. On behalf of this committee and on behalf of the majority and minority leaders, we all feel that same way in this body. We were extraordinarily proud of her, though not surprised. We have seen all of those qualities and characteristics so many times before. Here the world has had a chance to see it. And we are honored that our colleagues in the other body worked so closely with her and backed up and supported her as the chairman of that delegation.

Representative LIVINGSTON. That was very easy to do, Mr. Chairman.

In addition, as I have said, the rest of the delegation, including my colleague, Jack Murtha, and Everett Briggs, Deputy Assistant Secretary of State, president emeritus of Berkley University, Clark Kerr, Father Ted Hesburgh of Notre Dame, Dick Scammon, and Howard Penniman, our elections specialists—I do not think I left anybody out—all of us were really moved by what we saw down there in El Salvador.

I personally did not know what to expect when I went there. I had never been to El Salvador before. I had been to Guatemala and to Belize, two entirely different countries. But really my only contact with this country was through what I had read in the press and seen on television and heard on the radio.

Really, I guess I went down there with the expectations that we were going to see a rather hostile country, not only in which fighting was going on every day—and, of course, there was that aspect—but in which the people simply were torn apart through strife and through hatred of one another.

That is not at all what I witnessed. I had the good fortune to travel throughout the Southwestern quadrant of the country during election day. The rest of the delegation fanned out all over the other parts of the country. When we came back, we compared notes and found that we had almost identical experiences regardless of where we were and regardless of the intensity of the hostilities because of the guerrilla action.

We experienced a people who truly desire to live in peace and who have expressed themselves, as you have indicated in your opening statement, overwhelmingly in favor of rejecting a totalitarian government under Communist domination, of rejecting the hostilties that have been brought upon them by extremist forces from both sectors and in favor of democracy and a hope for freedom that unfortunately they have not been able to truly experience in their lifetimes.

I guess the example that I have to recall in illustrating the intensity of the feelings of the people was when I got in to my van with our group of people and visited the first polling place at about 7:30 on Sunday morning. At that point we had been led to believe, as you already have indicated, that we would be lucky if we got a 40 percent turnout, or about 500,000 people.

We were led to believe, on the basis of all intelligence reports and individual conversations with the people prior to that time that a lot of people just would not take the effort to get to the polls, that most people figured that the election might be much like those which had transpired in the past when there was ballot box stuffing and fraudulent activity, and that perhaps they just did not believe in these elections.

Well, those illusions quickly evaporated when we stopped at that first polling place. We pulled up, and there were thousands of people in the street. Before we arrived, we had passed people walking toward town, and we thought, frankly, that they were going to church.

But when we got there and saw these throngs of people, all well organized, all standing in long lines, lines lasting for blocks and blocks, in sardine fashion, if you will, belly to back, one after the other, all calmly standing in the hot sun, most of them having walked there for 8, 10, or 12 kilometers, without having eaten breakfast, and destined to stand there in the long lines for 4 to 6 hours without lunch as well, sweating, but calmly waiting for their opportunity to cast their ballot and to express their hopes for the future of their country, I could not help but swell up with tears.

Without calling him by name, I recall a good friend of mine who is a reporter, a member of the media in my local area. He is a pretty tough guy and not given to emotion too often. I looked at him as soon as he got off his van and saw that he had tears in his eyes as well.

We were struck by the fact that the people were there in the first place. But once we talked with the people, it was even more profound. We just picked folks out at random and started questioning them.

The first question, a natural question, was, why are you here? Invariably, the answers were fundamentally the same: I am here because I believe in the future of my country. I am here because I am about to cast the first free ballot for my country. I am here because I believe

in the opportunity that has been given to me. And I am here because I want to reject the threats and the intimidation.

I am not going to steal his thunder, because I think he has some important comments on his contact with the people, because he was in an area where there was much more gunfire and hostility than where I was. But Congressman Jack Murtha has some excellent stories. He was with Father Ted Hesburgh. And I would defer to him.

I would simply sum up my experience with the statement that was given to me at the end of the day. After we had stretched the limits of propriety and asked a couple of people for whom they were going to vote and had gotten resoundingly rejected with the response that it was a secret ballot—and they were quite proper in saying so—I asked a fellow, who do you think has won the election? We had thousands of people around us, and it was late in the day and it was already apparent that there were many, many people who had voted throughout the country. The fellow said, "My country has won the election."

That pretty well sums it up for me, Mr. Chairman. El Salvador won these elections. They were free. They were fair. We had the expert assistance of Howard Penniman and Richard Scammon, who checked out the procedures and said that they were perhaps the fairest of any elections in the Western Hemisphere.

If there was evidence of fraud, it was absolutely negligible. The people had the opportunity to cast their ballot. They expressed their wishes for a brighter future for themselves—not one which compelled them to live under a totalitarian regime.

I think on the basis of their expression, on the basis of the fact that 80 to 85 percent of the people marched to the polls under great hardship and under great duress and so eloquently expressed their belief in freedom and democracy, if we in the United States subsequently listen to those who would have us pull out of that country altogether and leave those people to suffer for themselves at the hands of the terrorists and the Communist guerrillas, then we would be committing a great sin against the people of El Salvador and we would be doing ourselves a great disservice. I would hope that that would never happen. Thank you.

The CHAIRMAN. Congressman Livingston, I presume that the people of your district in Louisiana are as proud of you as Kansas is proud of Senator Kassebaum.

Representative LIVINGSTON. Thank you.

The CHAIRMAN. I have invited her to come to Cook County for our next elections. And I wonder if we could solicit both you and Congressman Murtha to come up there.

Senator KASSEBAUM. That might be an even more difficult assignment, Mr. Chairman. [General laughter.]

The CHAIRMAN. Ever since 1952 I have been there, and every single election in Cook County is getting better. But believe me, I shudder when I think of what happened in the early days there before the jurisdiction of the U.S. attorney. It is rough.

Congressman Murtha, we are happy to hear from you.

STATEMENT OF HON. JOHN P. MURTHA, A REPRESENTATIVE IN CONGRESS FROM PENNSYLVANIA

Representative MURTHA. Mr. Chairman, let me endorse what Bob has said about Senator Kassebaum, because she certainly was gracious and articulate, and we were just so proud to serve with her on this momentous observation team. We went into the area where there had been the most activity and very few Americans had been in the past. We had to go by helicopter, Father Hesburg and I.

We tried to land at Perquin, which is an area that is the farthest north-northeast in the Province. There was too much guerrilla activity to land. And even though we could hear gunfire, the people were lined up to vote, and we were surprised. We had four reporters with us who were actually stunned by the turnout we saw in the various places we visited.

We landed at Jocura, and we heard gunfire in the distance. And, of course, again we were surprised at the turnout. The people said there were double the amount of people that had ever voted before, and this was probably noontime when we arrived at Jocura.

We asked one family about the intimidation, because the guerrillas had threatened to cut off the fingers and had also threatened to kill the people in the afternoon if they voted in the morning. They said, you can kill my family, you can kill my neighbor's family, but you cannot kill us all. And that seemed to be the general thrust.

We heard so many stories about what these people went through to vote. They said, in the last election we were bused in and we got lunch; this time we walked and we did not get a lunch but we got a vote.

There were some rumors that there were people being bused in from Honduras, and we flew over the whole road network in the northeastern part of the border between Honduras and El Salvador. We saw no one on the roads except people walking on the very perimeter of the towns themselves. So I do not see any way that people could have been bused in to vote.

We were very careful, when we went into the polling places and we looked at each one and we followed the procedure that was set up by Dick Scammon and Howard Penniman on how to observe the election. There were observers in every voting place. As a matter of fact, at the last place, and I do not remember the name, but I think, it was Berlin, one reporter said, "I do not see any observers." Because the observers in all the other polling places had been readily identified. And so we went back and we checked to see if there were legitimate observers. And we found many observers from each party there to observe how the election was proceeding.

One of the things they asked us to make sure of was that the light worked. They put an invisible liquid on the finger of each of the people that were voting. And we only found one light in all the polling places—and we must have visited 75 or 80—one light that did not work, because we had them put the invisible fluid on our fingers so that we could check that particular thing.

The people were in a joyous, almost festive mood, and we continually asked the question, are there any problems, is there fraud, is there any abuse, is there intimidation near the polling place?

The Army was supposed to stay out of it, and as far as I know, they did not try to interfere. They were not close to the polling places. And they provided security for the people near the voting places, but they did not interfere in the election.

The CHAIRMAN. Did you know whether or not the Army did at any time use threats or coercion to get out the vote?

Representative MURTHA. We saw no intimidation. And no one gave us any evidence of intimidation from the Army itself or anybody near the polling place.

Of course, we know of the threats of the guerrillas, but no one told us of any—and I asked that question several times: were you intimidated, did anybody tell you how to vote or ask you how you are going to vote?

And another thing that Dick Scammon told us was, make sure and see if you can tell that they are voting secretly, because there are so many people that are illiterate, they had to have pictures of the parties on the voting cards. And they would go off by themselves and vote and then, of course, put it in a plastic container, and you could see the ballot inside the container. And by the time we arrived at most of the places, the ballot boxes were pretty well filled.

So we came to two conclusions: one, that there was a substantially higher turnout in all the precincts that we visited; and the second was that it was as honest an election as you could possibly run even compared to elections we would run in this country.

The CHAIRMAN. Thank you very much.

Secretary Briggs, would you like to comment?

STATEMENT OF HON. EVERETT BRIGGS, DEPUTY ASSISTANT SECRETARY FOR INTER-AMERICAN AFFAIRS, DEPARTMENT OF STATE

Mr. BRIGGS. Thank you, Mr. Chairman.

I would like to associate myself with what my fellow delegation members have said, and most particularly with their praise of our delegation head, Senator Kassebaum.

This was a remarkable experience. And you were quite right, Mr. Chairman, in your introductory remarks, that it is one which I shall certainly never forget. It was a moving experience, the likes of which I could not possibly have imagined before I went down to the election.

Rather than repeating word for word what my colleagues have said, let me address some of the points which have been touched on tangentially and one which you raised in your question a moment ago about intimidation or coercion, suggestions that people were told that they must vote.

It is an interesting question which some of the print media latched onto immediately after the election in the hopes of finding a hole in what they had seen. For example, how could those 40,000 mythical Hondurans have voted with the masses of Salvadorans who were voting? This is a question which also parenthetically applies to all the efforts made beforehand to avoid double voting or multiple voting, the invisible ink and so on. You could not have voted twice if you had wanted to.

It was said shortly after the election that only 500,000 people really voted. We checked at random when the returns were coming in. We also observed the actual closing of the balloting. We observed the counting of the ballots. We saw what they looked like, how they had been marked, and that sort of thing.

• We were there when discussions took place about ballots which might be in dispute. We saw the final tallying, and we took notes and kept records ourselves. And at random we then checked back with the elections control in San Salvador over the next 2 days. And at random we asked the computer to tell us what the tally was at balloting place such-and-such, and it was exactly as we had recorded it at the time that we were there.

As to coercion and intimidation and asking people or forcing people to vote, a citizen was quoted by one member of the media as having told him in a place called San Antonio Abad on the outskirts of San Salvador, that he had been standing in line and was going to vote only because if he did not get his name on the voting registry he would be subject to persecution later by the security forces.

Well, in 1972, Mr. Chairman, 55 percent of the people in San Salvador passed blank ballots. That was the traditional way of showing your opposition. And in 1982, in this election, so far 3 percent of the San Salvador ballots are blank.

So if "Mr. Unknown," who was interviewed, the mythological character in the line who felt that he had to get his name on the registry went to the polls, he must have been one of the 3 percent.

Now, the guerrillas have already come out with some statements with respect to this election which have been paralleled by some of their friends in our country and abroad, to the effect that these elections were meaningless. After all, they will not end the war, and among other things, the government, the current junta which will be replaced shortly, was obviously weakened and therefore, this was a defeat for U.S. Government policy. The election was.

As to ending the war, the people voted to reject the war. And obviously, if 4,000 or 5,000 guerrillas wish to keep shooting and continue to be supplied, they have it within their power to continue to terrorize that country. But the people spoke on March 28, and they rejected the guerrilla war.

As to a defeat for U.S. Government policy, that is terribly patronizing. It was not a defeat for anyone, other than the guerrillas. It was a victory for the people of El Salvador.

And now, I guess, the lesson, to me anyway, of March 28 was that we and other friends of El Salvador must give the parties who represent those people a chance to work out among themselves how they are going to form their new coalition government. This was the first free ballot that the Salvadorans have had in five decades. This was an outpouring of nationalism, of pride, of self-reliance.

In some instances, in some cases when the foreign observers accompanied by the press arrived at a polling scene, the people spontaneously chanted, a spontaneous demonstration, "Di la verdad"—"Tell the truth."

This was the slogan which had appeared in town a few days before the elections to greet the international press, the slogan being, "News-

men, deliver your country but not ours. Tell the truth." I have a bumper sticker which has that on it. This was all over town. And that became the refrain as foreign observers appeared at some of the polling places, just spontaneously.

The people, when asked, when we asked them why they were voting, quoted almost verbatim the language of the several communiques issued by the Catholic bishops of El Salvador: that they were there for justice, for peace, rejection of the guerrillas, and an end to the violence.

And they merit our respect and our admiration in untold measure. And really, I find words fail me to express the depth of the emotional impact that this event made on me. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Secretary Briggs.

Senator Kassebaum, we are delighted to hear from you now.

Senator KASSEBAUM. Mr. Chairman, at the risk of sounding like a member of a mutual admiration society, I would like to say that it was a great honor to share with the delegation this historic moment. It was a delegation that worked hard.

We represented, I think, an open mind. We said at the beginning that we were not there to judge but to observe. And in that effort, every member of the delegation took exceptional time and energy to indeed see that to the best of our ability we fulfilled our assignment.

As was expressed by Mr. Briggs, it was a moment that was unique. It was an emotional experience. Certainly, it was a genuine, heartfelt expression of the peoples of a nation for an end to the violence that has torn asunder their small country.

We were asked over and over again, how do you know there was no coercion? You could just sense in the crowds a certain feeling * * * that, I suppose, unless you were standing in the middle of such crowds, would be difficult to analyze.

Building on that desire to end the violence, and on the democratic process the El Salvador people so clearly utilized, is going to be the next very important step. As the Constituent Assembly is formed, as the coalitions are put together, they must not forget this first step that was taken on March 28.

I would just like to join in the remarks that all three of my delegation colleagues have made. Thank you, Mr. Chairman, for this mission. And my thanks to those who worked so hard to make it a success.

The reason it was a success, of course, was that the people of El Salvador gave a heartfelt message—a message that made us more mindful of the privilege of voting, a privilege which too often we take for granted here. Thank you.

The CHAIRMAN. Thank you very much. You certainly had bipartisan support in your effort down there.

Senator Pell, do you have an opening statement? You were not here when we opened the hearing.

Senator PELL. Thank you very much, Mr. Chairman.

I congratulate my colleague and all of you who were there. You did an especially fine job.

I would ask unanimous consent to enter in the record a statement by Senator Zorinsky.

The CHAIRMAN. Without objection, it is so ordered.

[Senator Zorinsky's prepared statement follows:]

PREPARED STATEMENT OF HON. EDWARD ZORINSKY

Last Sunday's election in El Salvador provides us with an opportunity for a new start in El Salvador. In fact, the way the ruling government coalition seems to be shaping up, it makes it imperative that substantive moves toward negotiation be made right away. Interpret the voter turnout anyway you want—the bottom line is that the Salvadoran people want and deserve peace. Let's help them attain it.

Negotiations are the only road to peace. Negotiations are the only way to stop the wanton destruction of thousands of lives. Negotiations are the only way to prevent a deepening U.S. military involvement in El Salvador. Negotiations are the key to peace not only in El Salvador but the key to lowering of tensions which threatens the entire Central American and Caribbean region and which threaten U.S. security interests.

The opportunity is now while the Administration is playing a role in forming a coalition in El Salvador. The Administration must use its significant influence with the new government to ensure that talks begin with all parties to the conflict. Negotiations in El Salvador leading to a cease-fire and a peaceful settlement should be taken in tandem with negotiations with Nicaragua. After a period of virtually ignoring the peace initiative offered by Mexican President Lopez Portillo, the Administration seems to be responsive and hopefully will follow through with the international negotiating process. Through these negotiations, the United States would be satisfied on the issue of weapons flows to the guerrillas and the Nicaraguans can be satisfied that the United States will not pose a threat to them.

Through this hearing, I will seek clarification of the Administration's position on the negotiating process as well as information on the latest position of the Salvadoran opposition. I will also want to know to what extent the Administration will support a new Salvadoran government that might not pursue the reforms that have been the cornerstone of our policy there.

Senator PELL. Also, Mr. Chairman, I would like to observe that Sunday's election in El Salvador has brought us to a very critical juncture in considering the issue of negotiations. The voter turnout, as Senator Kassebaum indicated, seemed pretty spontaneous, and it certainly is a significant one. But I think we can sometimes read too much into election statistics.

To conclude in such simple terms that the election was a defeat of the opposition left disregards lessons we should have learned from other experiences; for example Zimbabwe.

In Zimbabwe, we should not forget the first election held in 1979 was held without the participation of the candidacy of the guerrilla leaders and resulted in a very high voter turnout. Then in the second election, which included guerrilla participation, a guerrilla-led party won a huge victory over the winner of the first election.

I think the real significance of the Salvadoran election is that all the people of that war-torn nation want peace. And this is the prime motive in going to the polls. Regardless of the ultimate character of the new Salvadoran Government, I think we must support and encourage the negotiation process. And the only way to gage the real will of the people is to involve all the parties to the conflict in a political solution.

I hope the Christian Democrats and the rightist parties can work out a coalition, because the rightist solution which excludes the Christian Democrats will deal a severe blow to participation in negotiations.

It would appear, too, that Dr. Fidel Chavez Mena, with whom many of us have met and talked and who is a very fine man and currently foreign minister of El Salvador, may well be chosen the president by the new Constituent Assembly. In this connection, it is fortunate that

Dr. Chavez Mena, a Christian Democrat, is highly regarded by both the right and the left.

However, it also appears that any new government will be dominated by the various rightist parties that took part in the election, and the Christian Democratic Party may well be, with the exception of Dr. Chavez Mena, excluded.

Since these parties are all to the right of the Christian Democrats, particularly the ARENA Party that secured a third of the vote or almost a third, the government may swing hard right and try to reverse the course of the reforms which the United States has supported.

Accordingly, as I have stated in my report to the Foreign Relations Committee last February, I believe any further support, particularly military support for El Salvador should not be extended by the United States unless the government fulfills three conditions:

First, moves to cleanup—not moves to—but cleans up human rights abuses;

Second, completes the land reform process at an early date; and

Third, and most important and the reason for this hearing, agree to negotiations with the leftists, who were understandably reluctant to lay down their arms and participate in the March election without some sort of guarantees for their safety.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Pell.

Perhaps, Congressman Livingston, you could respond to the question as to what you think the impact of these recent elections have been on the leftist opposition in El Salvador.

Representative LIVINGSTON. Very definitely, Mr. Chairman, I believe that the massive turnout of the people——as I said, over 80 to 85 percent of the electorate—demonstrates to me that the leftist guerrillas who were terrorizing the country have very little support.

In fact, I think it is acknowledged now by most who are down there that the reason the leftists did not participate in the elections is because they could not do very well in the elections. As a matter of fact, I doubt seriously that they would pull more than 3 or 4 percent of the vote.

And I think that now that we have held those elections, it has been a good process, it has been a fair process, and it has been overwhelmingly supported by the people of El Salvador. If we were to impose a restriction upon the newly elected government that they negotiate with the terrorists in order to get American aid, we would be doing this country and the El Salvadoran people a great disservice. And we would probably be undermining the hopes for democracy in that country for the future.

I think that there is one negotiation that is possible, and I would hope, that the incoming government, no matter what flavor it might have, would consider it.

And that is an offer of amnesty to any guerrillas who would come in and lay down their arms and participate in the democratic process of that country. If there are guerrillas among those terrorists who are there through some misfortune or frustration with past governments in El Salvador who are truly peaceful people and want the best for the people of their country, then they could come in and accept that amnesty.

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And I believe that that amnesty should be given to them unconditionally, that they could lay down their arms and become full-fledged citizens of the country.

After a point—I think there should be a deadline for that amnesty, a very short period, 3 weeks to a month. Then as far as I am concerned, it should be open house on any terrorist who seeks to take the life of an innocent man, woman, or child in El Salvador.

The CHAIRMAN. Secretary Briggs, would you care to amplify on that question?

Mr. BRIGGS. Mr. Chairman, all of the parties in their platforms advocated some fairly basic positions: Support for the continuation of the reforms—some of the parties said these should be made more Salvadoran than they felt they were—continuation of the democratic process; seeking to put an end to the violence in the country.

We have both before and after the election made clear the sort of government which we have supported and feel we could support in the future.

A very wise friend of mine in the State Department who knows much more about this area than I shall ever know, said that since the revolution of 1979, which threw out the old regime and the oligarchy, what has been going on in El Salvador is the effort to overcome fragmentation rather than polarization. I think it is a good way to express it.

Now, what is going on right now is the effort within El Salvador by the representatives of the parties which were elected by the people to overcome this tendency toward fragmentation. It is a very delicate process. And I think it should be given a chance to work itself out.

This same very wise friend of mine this morning made a very eloquent statement in a staff meeting that we had, in which he decried the tendency to characterize all of the other five parties as rightwing parties, pointing out that to put labels on parties from whatever perspective is often——

The CHAIRMAN. Please excuse me for a moment. Secretary Haig is on the phone, and I must leave for a moment.

Mr. BRIGGS. Certainly. This is often a rather tricky thing. When you say rightwing parties, you have in mind characters hiding behind bushes and urging the security forces to fire, and when they do not do it they charge out themselves and take shots at whoever it is that they think should be demolished.

In fact, the parties to the right of the Christian Democrats include some very liberal people. They include some very moderate people. Even the one that is furthest to the right includes individuals who have been described to me by members of the Christian Democratic Party as very liberal and very moderate.

They have not defined themselves entirely yet. They are in the process of doing so. And before we prejudge the outcome of the efforts going on now, I think we should give it a chance to work. Certainly, the Salvadoran people expect it to work.

Now, what we do not know, obviously, is how this is going to work out. We do know some things about the opposition, which I think we should keep in mind before we make any sort of final judgments. One is that the political side of what is called the leftist opposition, the FDR, promised repeatedly no disruption of the electoral process. The

head of that group was in the United States and on television about 3 weeks ago, and renewed that pledge that there would be no disruption of the elections because, after all, they did not matter, they were meaningless and, therefore, they were not even worth interfering with.

Those of us who were in San Salvador were witness to the efforts by their allies, the Communist guerrillas, to do precisely the opposite; namely, to interfere with the process through violence. I do not know what this augurs for the future. The first step is to let the Salvadoran Government form itself to see what its programs are going to be, to see if those are programs which we can support; and then whether or not this strange alliance, which includes people who promise peace and their allies who give war, see what their response to the election will be.

Senator KASSEBAUM [presiding]. Thank you.

Senator Tsongas.

Senator TSONGAS. Let me begin by saying that if there is anyone in this committee that I would like to have represent me abroad, it would be you, Senator Kassebaum. I think you did a marvelous job, but not anything different than we had expected.

Senator KASSEBAUM. Thank you.

Senator TSONGAS. It at least gave our colleagues in the House and others a chance to enjoy your company as well.

Let me say that no one who came back from El Salvador was not moved. I think you have to acknowledge that it was a very impressive demonstration. I am not familiar with Cook County, so I do not know what the range is in the United States. But by any definition, it was a free, fair, and, I think, overwhelming turnout. And anyone who would not acknowledge that, I think, is misreading the situation rather grievously.

I would like to take a moment to discuss certain issues. Let me say once more that I do not think the voter turnout and fairness of the election are in doubt, and I think we should put these issues aside. The turnout was greater than I thought it would be. And coming from a country where turnout is not always very good, one has to be impressed.

But the obvious question is where do we go from here? That, I think, is the critical issue.

If I might, let me look for some parallels. Senator Pell raised an issue which I would like to elaborate on. In the case of Rhodesia, when they had the internal elections, the statement was made almost exactly as it was stated here today; that the guerrillas would not participate because they would not do well. Well, let me just tell you what happened.

When they had the internal elections, there was a 64-percent turnout. And Muzorewa won 67 percent of the vote. It was declared an overwhelming victory, and much of the same discussions we are hearing today were heard then. I think despite some problems, that was a free election. I do not think there is serious disagreement about that.

There was an attempt to lift sanctions because of that election. We did that in the Senate, over my objections. But it was done. And it was not done in the House.

As you know, the Thatcher government came into power and Lord Carrington brought them all to Lancaster House, and they negotiated.

And then they came back and had elections of all parties. The turnout went from 64 to 94 percent, and the Muzorewa percentage of the election went from 67 to 8 percent.

Now, you can read that any way you want, and that is history. I think it should at least give us some pause.

In December 1978 they had elections in Namibia, the same kind of thing, internal elections, in which DTA won. The turnout was about 80 percent. That election was not followed by negotiations with SWAPO. Everything was supposed to be settled internally.

And what happened? Civil war continued. The violence continued. And now, I think everyone, even the South Africans, would agree that SWAPO would win the elections in Namibia were they held today.

My own view is this: If the question is where do we go from here, I think that the center-right elements who did so well in the election are stronger today than they will ever be. This issue was raised earlier in some of the private discussions. If I were them and wanted to negotiate, I would start today because they will never be stronger. Nothing they could do would ever be as impressive as what happened on Sunday.

The left is weaker today than it has been in a very long period of time. To miss this opportunity from a center-right perspective I think is a strategic error on their part.

I think the turnout was impressive enough that it would be very difficult to expect a kind of equality approach. Maybe there are ways of bringing them in short of parity or whatever. But that is to be explored by the parties. I do not think it is our job to dictate that.

But, Secretary Briggs, when you said, in speaking about 4,000 to 5,000 guerrillas, that refers to the number of men under arms. My problem with your using those figures is that you make it sound like if you just get rid of 4,000 or 5,000 people, that does it.

Do you know what the ratio of support to combat troops in our Armed Forces is?

Mr. BRIGGS. I am sorry; I am not sure I understand the question.

Senator TSONGAS. Well, for every American soldier with a gun in his hand, do you know how many people we have in support positions behind him?

Mr. BRIGGS. No.

Senator TSONGAS. Well, I do not, either. But it is something of the magnitude of 20 or 30 to 1. I guess a good part of them testify on the Hill, but that is not a problem for the guerrillas. So you can probably put that aside.

But it is much more than 4,000 or 5,000 people. And I do not think we should minimize either the very impressive nature of the elections or the support of the guerrillas. And I think we should deal with it as realistically as possible.

I would like to make a final point and then I would open it up for comment. This is a unique opportunity, and I would hope that the government that evolves from this, and I do not think anyone at this point knows what it is going to be, would recognize its strength and deal from its strength. The danger in any political process in 1982 with the Republican Party, or the Democrats to that, is that coalitions and

mandates dissipate and the time to move is when the iron is hot, so to speak. And I think this is the time.

There are ways to bring about conciliation. It was done in Rhodesia, and I think it can be done in El Salvador as well. What they did on Sunday was a very impressive step in that direction. And, hopefully, the opportunity will be grabbed.

Would you like to comment on that?

Representative LIVINGSTON. I would, Senator. And I agree with most of what you have said. Let me just take a step back and say that in terms of the three conditions that Senator Pell set forth, I totally agree with two of them.

I think we must exert every degree of influence available to us to encourage whatever coalition arises out of these elections to clean up their civil rights act, to purge those members of the Armed Forces who are brutalizing their citizens and just kick them out of the country or do whatever they can to keep them from a position of influence.

We need to correct the deficiencies of land reform, but continue with the promises that have been made to the people in terms of land reform and to maintain them.

I think there was a great hope that the coalition of leaders that ultimately gets together after this great vote will recognize those principles.

But negotiation gives me great problem. You and Senator Pell both seem to have overlooked the fact that the Communists and the guerrillas had an opportunity to participate in these elections. The olive branch was extended to them. I think Deputy Secretary Briggs can give you greater detail on that.

But they did have the opportunity to participate, and they chose not to. They chose to maintain their efforts to undermine and overthrow and overtake the country of El Salvador by force, and they continue to fight in the field today.

I do not think it is in the interest of any citizen of El Salvador or any citizen of this country to sanctify that type of activity. I think that we should have encouraged them to participate in the elections. Perhaps we did. But once they made that decision, once they have resorted to constant fighting and violence, to the maiming, torturing, and killing of innocent people, then I think they forfeited their right to participate in the process.

I think they have forfeited that right, and that we have only one remedy. We can offer them amnesty and welcome them back to a democratic way of life and let them participate just as all factions of personalities and philosophies participate in this country. Or, if they choose to reject that olive branch, that offer of peace, then force must be used to treat them accordingly.

Senator TSONGAS. Do you think the use of violence against innocent people disqualifies someone from participating in an election?

Representative LIVINGSTON. I think that is a pretty good assumption, yes.

Senator TSONGAS. Do you think D'Aubuisson qualifies to run them? [Laughter.]

Representative LIVINGSTON. You know, Senator, the laughter in this chamber leads me to believe that the power of the press is stronger

than the truth. And in fact, I cannot speak to D'Aubuisson's past or to his performance, but I think that you will find——

Senator DODD. Just 1 minute. That laughter did not come from the press section.

Representative LIVINGSTON. The point, Senator, is that the international and the national media have led this town and this country to believe that the people of El Salvador would not have participated in these elections as overwhelmingly as they did if they did not believe in the democratic process.

Actually, I think many people in this country were given to believe that the Salvadoran people supported the guerrillas, and the elections show that that was not true.

All I am saying is that the press, too, probably has done Mr. D'Aubuisson a disservice. Now, I am not going to say that categorically, because he has yet to show his true colors. I doubt, frankly, that he will be the titular head of the new government. He will certainly participate in it. But I am told that a lot of the statements that are attributed to him in the press were not said.

I have no confirmation of that one way or the other. It remains to be seen. But he has insisted that they were not said. Not to me, but he has so insisted to other people connected with this institution right here.

Senator TSONGAS. I said the same thing, and my newspapers are to my right. I look at it a little differently. The major newspaper in my hometown, the only newspaper in my hometown, is very supportive of the rightwing regime in El Salvador. So when you talk about the press, you have to realize that.

Representative LIVINGSTON. Well, we do not have a rightwing regime yet. We do not have a regime.

Senator TSONGAS. Well, the prior regime. What I am saying, Congressman, is that the violence comes from both sides. You said there should be open season on those on the left who maim men, women, and children. I would hope you would then say there would be open season on those on the right who maim innocent men, women, and children.

Representative LIVINGSTON. Yes, I do. I agree with that.

Senator TSONGAS. I think if that is where we are both coming from, then we are both comfortable with it. You know, I do not think you and I served in the House at the same time. I think you came in after I left.

Representative LIVINGSTON. I started in 1977.

Senator TSONGAS. One of the most remarkable and memorable events in my career in the House occurred when we were having a discussion on human rights. I think it was Mickey Edwards, from Oklahoma, and I forget how it actually came about. But he got up and I had said something similar to this earlier. He said that the problem with human rights is the fact that the left always criticizes rightwing governments and the conservatives always criticize leftwing governments, which means that you do not have a human rights standard.

His point was very simple. He said, I, as a conservative, have to speak out against the violations human rights by rightwing regimes, and, pointing to the liberals in the Congress, he said, you have an obligation to speak out against human rights violations by leftwing regimes.

I thought that was a remarkably eloquent and memorable statement. That, I guess, is what I am asking for.

Representative LIVINGSTON. I agree with that, Senator. I totally agree with that sentiment. That is why I prefaced my remarks with the comment that the armed services are definitely going to have to purge themselves of these cold-blooded killers that do exist in the ranks of the professional armed forces.

But, I might add, the rightwing, if you will, participated in the elections. The far left did not.

Senator TSONGAS. Would you support a cease-fire and internationally supervised elections to bring everybody in?

Representative LIVINGSTON. We have had the elections, and the offer was made to the left to participate. They chose not to participate. Now, I think we have to go through with the coalition which has the responsibility to stop human rights violations on the right or the left. That is their responsibility. They have been given a mandate by an overwhelming number of the people to bring peace to El Salvador. And that does not cut just on the left. It cuts both ways.

So they have it as their responsibility to control their armed forces and make sure that these killings of innocent people are stopped from whatever source.

Senator TSONGAS. I think if they do that and proceed with the reforms, as you pointed out, they are going to be in a much stronger position as time goes on. If they do not, they will squander the mandate.

Representative LIVINGSTON. We agree, Senator.

Senator TSONGAS. We have a history in this country of squandered mandates, so we speak from experience.

Representative LIVINGSTON. I could not agree with you more.

Mr. BRIGGS. May I comment, Mr. Chairman?

The CHAIRMAN [presiding]. Very briefly, Mr. Secretary.

Mr. BRIGGS. All sorts of efforts have been made in the past, and I certainly hope, I think we all hope, that efforts will be made in the future to bring in these people who have been separated either by their own doing or by the doing of others from the political process in El Salvador. The church offered to mediate in 1980 and the left refused. They rejected the offer. We offered our good offices last summer, and we were rejected.

I was in a delegation which went down last September–October. We met with six parties, including the MNR, Mr. Ungo's party. And they rejected participating in the elections. It was not as if they alone were threatened or subject to violence. Over 20 mayors of Duarte's party, the PDC, were assassinated or have been assassinated since they were supposedly in power—over 20.

There, in fact, have been three MNR mayors during this whole period, one of them in Mejicanos, one of the suburbs of San Salvador. It is not as if the MNR has not been present in the country, but they refuse to participate as a party in the elections.

I spoke with Ruben Zamora in December when he was in town, seeking to get the FDR into the electoral process. But, no, they did not want to participate.

Now, I do not know what is going to happen in the future. I do not know whether negotiations are going to be possible. All I know is that the new government has been formed.

And I associate myself entirely with what Congressman Livingston said, that the people of El Salvador have said that they want no violence, no more abuses, and that is a terrific mandate for this new government. I do not think we need right today to prejudge that new government, because of what we think or assume may be the coloration or the proclivities of some of the leaders.

Let us give them a chance to get where they are going. Today it is a little early for us to prescribe to them how they should go about trying to draw their separated brethen back into the process.

Senator TSONGAS. Let me just say, in conclusion, that in the case of Namibia and South Africa, your Assistant Secretary of State, Chester Crocker, has a policy of constructive engagement and asked us several months ago to back off and give them a chance to work out a solution in Namibia. And we, in essence, have given him a year and a half. So there is precedent for, in essence, stepping back and allowing running room for policies that you think may make sense. If there is an articulation of such a policy, I think you will see the same cooperation.

But my concern is that we may end up back with a "military solution" as opposed to a political solution. And that is where we would part company.

Thank you, Mr. Chairman.

The CHAIRMAN. I would like to finish up the questions which I was interrupted by a telephone call. I am not sure that any of this has been duplicated while I was out of the room.

Is it clear, Secretary Briggs, in your judgment, and possibly in Congressman Livingston's also, that American assistance is still very much conditioned upon the provisions of section 227 of the International Security Development and Cooperation Act of 1981; namely, a continuation of economic reform, government control over its Armed Forces, the ending of repression, and the respect for human rights, and certainly the prosecution of the murderers of the American clergywomen?

In your judgment, is that clearly understood in El Salvador?

Mr. BRIGGS. Absolutely, Mr. Chairman.

The CHAIRMAN. Do you think the time will be ripe for engaging in discussions with the opposition in order to pursue, say, a cease-fire arrangement? What, in your judgment, is the timing for such a discussions?

Mr. BRIGGS. I would beg off giving you a definite answer. I think this is just 4 days after the election, and I do not feel prepared to give a definitive answer, Mr. Chairman, to that question.

Representative LIVINGSTON. Mr. Chairman, I think it is just simply too early to tell, in view of the fact that we do not know what coalition will finally arise.

The CHAIRMAN. Did you get a feeling from the people that you talked to down there as to how they would feel about a moratorium, a cease-fire, trying to solve these problems through diplomacy, discussion, and negotiation, rather than continued gunfire?

Mr. BRIGGS. I think the Salvadoran political leaders are aware that they have to struggle with two realities: The internal reality, which may at times be directed toward settling this matter once and for all, perhaps using force. If we analyze the results, perhaps a third of the

voters voted for that kind of an outcome. We do not know what they had in mind, obviously.

But the political leaders are also perfectly aware that there is an external reality; namely, the position of the United States and of their neighbors and of the rest of the world community. I think they have to be aware, for instance, of some of the things which have been said by leaders in the area.

The Mexican President called this a "beautiful election." Some of the Costa Rican leaders have said that we were 100 percent right in backing the junta and that now a new opportunity should be grasped by the successor government.

I think they are aware that there is this double reality and that they have to look to the future not only through the lens of El Salvador but through the lens of the rest of the world. I do not know if that is an opaque answer, Mr. Chairman, but it is the best I can do.

The CHAIRMAN. My last question to you, Secretary Briggs, is this: With respect to the Assembly, what do you foresee to be the agenda of the Assembly in the next few months? What will they try to accomplish?

Mr. BRIGGS. Well, first, the provisional government will be named. Second, through, I suppose, an ongoing process of negotiation among themselves, as has occurred in other countries, such as Honduras and Peru, they will address the reforms and the perfecting of those reforms or modification of the reforms, better to suit the majority.

They will seek to set up the procedures for the congressional and presidential elections, what some people have called the "real elections," for which a firm date has not yet been established but which should be in 1983 or thereabouts. And they will, in the process, work up a new constitution.

At least that is my understanding of how this Constituent Assembly will proceed.

Because it is the newly and only elected body in the country, it may constitute itself a legislative assembly, sort of a provisional legislative assembly. But that is up to them to work out. They will set their own rules and their own procedures as they go along.

The CHAIRMAN. Thank you.

Senator DODD. By the way, Senator Pell has yielded to you for your questions. And then he will come back after that.

Senator PELL. I have felt the purpose of this hearing really was to focus on the Dodd-Tsongas resolution. So I feel you should have the spotlight.

Senator DODD. Thank you, Mr. Chairman.

And thank you, Senator Pell.

Let me just join with my colleagues here, Bob and Mr. Briggs and Senator Kassebaum, who has had to leave the hearing. I want to join with them in commending you for the work you did. I envied you in some way. I was asked to participate and was unable to go down to observe. I regret that I was not able to be there with you.

Certainly, I join with others in commending the people of El Salvador for coming out in the numbers they did. Those numbers are still coming in, and we do not yet know the exact percentage of participation. But it is quite clear that it is certainly more than what

people expected. And anyone who is not moved by that must have something wrong with him.

So I commend you for the work you have done. I commend the observers. And I commend the people of El Salvador for what they have expressed in that election. I guess on that much we will all agree.

Maybe it is here that we deviate a bit. As you know, Bob, politicians all have a tendency to hear what we want to hear. We find mandates in the darnedest things from time to time. And while certainly I think there may be some disagreement over what the people of El Salvador were saying or trying to say, by walking to the polls and standing in that heat in those lines, as you have so vividly described it, one thing is certain: They want an end to the violence.

If there was one single comment that I heard from everyone, it was: An end to the violence. There were some differing points of view about whether or not they were also expressing a political conclusion about certain people or whether or not we could read into it that this was a referendum on agrarian reform or economic reform or the "death squads" or a lot of other things.

I think it would be pretty difficult to try to reach at least a broad consensus on those other points. But on the point of ending the violence, there does not seem to me to be any doubt whatsoever as to that demonstration on Sunday as being an expression of that desire.

I think we all agree as well that the election is just the beginning of the process. There are at least two other integral parts of this process that must be completed successfully if we can truly look back on March 28 as a success.

Those two other parts, as I see it, and I will be asking you to comment on this, are: One, the formation of a government, a government that is going to embrace the broad democratic ideals that have been articulated in their respective campaigns; and two, you have to bring an end to the violence.

Failure to do either of these two things will regrettably make Sunday a failure. That long walk to the polls, that standing in the heat, that going without food that you described, that dodging of bullets and actually being wounded in some cases, as I have read in the press, will make that incredible demonstration, that incredible human effort all going for naught, if we fail to do the other two things that remain to be done; that is, form a coalition government that expresses the democratic ideals that people expressed in their votings, and second, bring an end to the war. Those have to be done.

Now, how do you bring an end to the war? The coalition government is going to be formed one way or another. My only hope is that the rhetoric we have heard, particularly from the coalition right parties, that seem to be getting together, is nothing more than that, just rhetoric.

To have Mr. D'Aubuisson announce the day before the election that his first official act if he or his party is elected would be to arrest Jose Napoleon Duarte and try him for treason, which D'Aubuisson has not denied, by the way, which he admits is a statement he made, admittedly, he said, maybe in the heat of the campaign. But certainly, it gives one pause, reason to pause, about where we may be headed with some of these things.

But I am willing to give him his chance and certainly they are going to be involved in the formation of a government down there. But I also think we ought to make it clear, regardless of our opinions on other matters, that that kind of an approach, that kind of a suggestion, or suggesting as some have said, that maybe Jose Napoleon Duarte ought not only not be involved in the formation of a new government, which may be the case, but that maybe he ought to leave the country as well, is the kind of suggestion which I think would upset tremendously this March 28 demonstration.

This brings me to the third point, which is the ending of the violence. Now, how do you do it? We have some options, it seems to me, if you accept a couple of things.

One, I would like to reiterate what was said by my colleague from Massachusetts regarding the size of the opposition group. You are talking 4,000 or 5,000 people under arms. Certainly, that is not the extent of the support which the opposition enjoys.

Clearly, both in terms of political as well as de facto military control, it is larger than that. They are an element there. It is more than just a small group of terrorists running around the country. It obviously is something more broadly based than that.

And to suggest that they had the opportunity to participate in this campaign is to completely obviate and neglect looking at the "death lists" that were made up, where the names of the opposition leaders were included.

Now, Bob, you have run for public office. I do not know if you have or not, Mr. Briggs, I have said this before in this committee room. I certainly commend those people who have gone through and risked their lives by participating.

But when it is the stated policy of important military elements within the existing provisional government at the time that these people in the opposition are enemies of the state and clearly when you consider the level of violence, the likelihood that they are going to run in an election under those conditions, I think, is to be expecting far more than what is reasonable.

Now, it seems to me that we can proceed on a policy, as some seem to be suggesting, that we deal with this in a military framework, that we just go after this militarily, and we crush this rebel group now—get rid of them—militarily blow them away if we can.

Or we can try the course that is being recommended by not just some of us on this committee but every other responsible government in Central America that is familiar with this problem, and that is to try to come up with a political solution. In fact, it is the stated policy of this administration that there be a political resolution of this problem.

It seems to me that those are the two options: To deal with it militarily or deal with it politically.

Now, again, to repeat what was stated by Senator Tsongas, we—that is, those who would hope for a democratic result in El Salvador, I think are in the best position we could hope to be in, in fact, and that anyone who has ever been involved in negotiations of any kind knows that the time to move is at a time of strength.

And if you do not grab this opportunity that now stands before us—and again, I come back to the point—we are unable to end the civil

war in that country, then again I come back and will tell you that regardless of whether or not you put together a coalition government, that demonstration on March 28 will not be something that we remember with euphoria but with deep, deep sadness, because we failed to hear the message of what people were saying.

Bob, I do not know whether you or John Murtha said it, that the people were voting for El Salvador. And I believe that. I truly believe that was what was being reflected.

And I think it becomes the obligation, particularly since this government will obviously be so dependent upon this country in the coming months for economic and, I presume, military support of one kind or another, that we in this Congress, regardless of our political persuasion or ideological bent, that we find a consensus and pursue that political resolution that we all stated we believe is absolutely essential if we were to bring some peace in that land.

Having said all of that, I will cease, and let me ask you to comment on my approach.

Representative LIVINGSTON. Thank you, Senator. That was an eloquent statement. And frankly, I agree with most of what you said. I think we differ on our ultimate conclusion. But, I do not know personally whether D'Aubuisson ever really said that he intended to try Duarte for treason. I know that the remark was attributed to him. He did not say that while I was down there.

I am told by those who spoke with him that he does not admit having made that remark. But, if he made it and if he meant it, certainly that would not be a step in the right direction to forming a coalition government.

I think that D'Aubuisson and Duarte have to come together. The PDC, the ARENA and other parties have to come together. They are going to have to conciliate each other's differences, and they are going to have to moderate. They have one goal, in my opinion, and that is to bring the country together, to unify the people, and to offer a coalition government which represents the interests of all of the people who have participated in the elections—and I stress that last point.

You indicate that the guerrilla soldiers might have a broader base, and Senator Tsongas has also indicated that. That may well be. They may have a very broad base. It is my feeling, from some intelligence briefings that I have had, that that broad base lives in Nicaragua and not in El Salvador. But, they may have a broad base.

As far as the death lists are concerned, there is no excuse for that. I totally agree. I do not believe that the leaders of the parties are responsible for those death lists. I do believe that if the death lists were drawn up, they probably were drawn up in the Army and the officers or the enlisted men that are responsible for those death lists ought to be sought out and should be purged from the armed services, if not purged from the country.

But there is no excuse for them. You are absolutely correct.

I think the essence of our differences really is on the question of whether or not to negotiate with the terrorists, with the people who are conducting armed insurrection against this people, this government. And as Secretary Briggs has already pointed out, they were

offered the olive branch, they were given the opportunity to come in. They rejected it.

Under my proposal, whether the coalition ultimately provides for amnesty or not, I would give them the opportunity to lay down their arms and participate in the government: "Just come right on in, not in the government but at least to live in peace in the country. We will forget about it, we will just wipe the slate clean. The fact that you might have killed a few government people or a few innocent people, we will just forget about that. You know, you do not get a letter A branded on your chest, you do not get conditions which compel you to live in jail and isolation for the rest of your life. You are just a regular citizen of El Salvador."

"But you have to accept the amnesty within the next 3 or 4 weeks. And if you do not, if you continue to fight and kill and maim and torture innocent people, we are going to deal with you and we are going to deal harshly with you."

It seems to me that if you really want peace, that is the way to go. You cannot have a democracy if one segment of the population, whether they are 1 or 5 or 50 percent, does not want democracy.

If they want to persist and to take over the government by force and to compel all of the people regardless of their ballots to live under their scheme of things, under their idea of what is utopia, then they are not participating in the system and they do not have a right to participate in the system.

I think we ought to give them the chance to live in democracy. And that is fine. And I will not have any hard feelings for past activities, because indeed there are plenty of people among them who were living in frustration and in fear of rightwing terrorism.

But if you are going to end the violence and have democracy, let us go forth with the democracy and not make exceptions for some outside force that would impose their point of view on the rest of the populace without utilization of the ballot box.

Senator Dodd. Thank you.

Secretary Briggs.

Mr. Briggs. Senator, I have tried to listen to not only what I have agreed with but also to what I have not agreed with. There was a lot that I did agree with. I agree specifically with the need, first of all, to form a government which embraces the democratic ideals. And I agree with what you said about ending the violence.

Violence, of course, is a two-way proposition. The left has its own death lists, and it has actively pursued the killing of government officials and political leaders. I mentioned over 20 mayors from the Christian Democratic Party have been assassinated in the last 2-year period. The head of the PCN was murdered, was assassinated in his campaign. Roberto d'Aubuisson was wounded, as was one of his assistants.

If the left wanted security guarantees, we specifically offered to assist in this regard, and they rejected our offer.

Now, I agree there should be new opportunities ahead, and I pray there will be. It seems to me that with the democratic process, the institution building which will go on, which will lead to another election, a broader election, imaginative men both inside and outside El Salvadore should find a way to overcome the problems of the past.

Let me make one other observation, which came to mind as Congressman Livingston was giving what I thought was an absolutely eloquent presentation of his views. Something you said, Congressman, reminded me that the ARENA Party is frequently described, as is the PCN, as being the parties of ORDEN, the hated right-wing "death group." In fact, the head of POP was the head of ORDEN, not the leaders of the PCN or of ARENA. The POP Party got less than 1 percent of the vote in this election.

In fact, the PCN Party is the party which instituted the first land reform, or tried to institute it, in the early 1970's. And it was the leader of that party who was assassinated in the campaign.

This is not a defense or any other sort of effort to defend or excuse actions attributed to individuals in any of these parties. But I think it bears saying in order to put into clearer context what it is that is going on inside El Salvador now.

But again, I must agree with Congressman Livingston that the left must have every opportunity to come back into the fold and itself to abandon the terrorist way of trying to seize power.

Senator DODD. Let me ask you this, Mr. Briggs, if I can, just in summation. It has been the stated policy of the administration for the last several months to achieve a political settlement, a political resolution of the problems in El Salvador. The administration has repeatedly said that it felt an integral part of that political resolution was the election.

Let me ask you two questions: Is a political resolution of the problems in El Salvador still the position of the administration? And while you stated today that you consider other alternatives to be a way of possibly ending the violence, I have not heard you directly reject negotiations in the future.

Mr. BRIGGS. Yes. The position of the administration is that an integral part of the political solution to the Salvadoran problem is the electoral process, which really began before March 28, but it certainly passed an important milestone on that day. But that is not the end of the road.

You are quite right, it is not for anyone, as far as I am concerned, except the Salvadorans themselves, to decide whether or not and in which form they can themselves come together.

In other words, I think it would be as presumptuous for a member of this administration to rule out a negotiated settlement which might be possible at some future date as it would for a member of this administration to prescribe a negotiated settlement today for a resolution of the problem in the future.

Senator DODD. So we would not discourage a negotiated settlement if that were the direction which the Government of El Salvador decided at some point to go?

Mr. BRIGGS. It is up to the Salvadorans, Senator.

Senator TSONGAS. If the Senator would yield, Secretary Briggs, I would ask for one clarification. When you spoke about bringing them back into the fold, how would you do that.

Mr. BRIGGS. I do not know. It is something over which we puzzle all the time, obviously. We have had discussions with these people directly. I myself met with Ruben Zamora for over an hour. I asked him one question, and that is: What would happen if your side won?

He said, it will not happen. And I said, what do you mean it will not happen? He said, you will not let it happen, you will not let the FMLN take over.

I said, well, just assume your propaganda efforts and the lack of staying power in our country and the confusion which our citizens are now under as to what is going on in El Salvador made it impossible for us to continue to support the Government of El Salvador and your side did win, the FMLN did take over. Then what? Because they would do the same thing that the Communists have done in other countries.

And he said, then we would take guns in hand and we would fight them. I said, come on, you do not have any guns. And that is a true story, Senator. They do not have any guns.

I hope these people will listen to their friends in other countries who are their partisans and who believe in the same general philosophy, which as far as I can see is virtually indistinguishable from the reform programs which the junta itself has put into effect.

I hope these people will listen to some of their friends outside and realize that they are in a bad game, that they are with very unreliable partners right now, that they have lots of friends in other countries and that there may be an opportunity in the future, if they will listen to their friends and take the opportunity which this election should have offered them to get back into the political life of the country.

Senator TSONGAS. In what way?

Mr. BRIGGS. Again, I do not want to prescribe, I do not think I should at this point try to prescribe, what they should do. I hope that they will take seriously, however, our past offers. They did not. I hope in the future they will take seriously the fact that our past offers are still on the table, that our good offices are still there. They are available.

The political process in El Salvador will continue, and our offer of good offices is still on the table. I hope that they might in the future take seriously that offer and not simply engage in the sort of sloganlike exchange which they have in the past with us.

Senator TSONGAS. Which offer is still on the table?

Mr. BRIGGS. Our offer of good offices to assist the parties to get into and use the electoral process. Now, before you jump on that, let me say one caveat, and that is, obviously that offer is to all the parties. And all the parties includes now the new coalition government which is going to develop out of what happened on March 28. So it is not just one-sided.

In other words, we do not have a tame government in our pocket so that we can say, hey, look, fellows, we are going to help you negotiate with those guys outside, we are going to help get them into an electoral process.

Our good offices are there. If they want to get involved in the next electoral milestone along the road, we will help them. Obviously, our offer is not just to the left. It is to the new coalition government, too. Our offer was made in July of last year and is still on the table.

Senator TSONGAS. So what you are pointing to is another election of some kind down the road?

Mr. BRIGGS. I would rather say the political process. The political process includes an election down the road. I think we have to be true

to ourselves in this, and I think what happened on Sunday justifies the position we have taken.

We have to be true to ourselves. Elections should be the ultimate goal of any discussions that take place. Call them discussions, negotiations, whatever you will. Elections should be the ultimate goal.

That is being true to ourselves, true to our own traditions, and it also is a position which takes into account the tragic alternative which exists elsewhere in the region when elections are not offered to the people.

Senator TSONGAS. Mr. Secretary, I am in remarkable accord with what you just said, so I think I will stop.

Senator KASSEBAUM [presiding]. I believe Senator Pell has some questions. I know Congressman Livingston has to leave shortly.

Representative LIVINGSTON. I have a hearing at 12 o'clock which I must make, Madam Chairman.

Senator PELL. I have one observation of inquiry for Secretary Briggs.

Senator KASSEBAUM. Senator Pell.

Senator PELL. I have nothing for Congressman Livingston.

Senator KASSEBAUM. Very well, then.

Bob, before you leave, I would like to say that we appreciate your coming, as well as Congressman Murtha, and are very appreciative of the eloquent testimony that you gave.

Representative LIVINGSTON. Thank you very much for having me. I really enjoyed working with you, Senator. It was a great privilege.

Senator KASSEBAUM. Senator Pell.

Senator PELL. Mr. Briggs, am I to conclude from your testimony that the administration is not committed to the thought of negotiations with the leftists, the objective of negotiations with the leftists, the objective of negotiations?

Mr. BRIGGS. That we are not committed to the objective of negotiations with the leftists?

Senator PELL. Is that what you are saying? I hope you are not saying that. I hope you are committed to that objective.

Mr. BRIGGS. I would rather leave it in the formulation which we have very carefully crafted, which is that our offer of good offices to assist the parties to hold discussions for a continuation of the political process leading to elections is still good. And it is.

Now, obviously, and this is a personal judgment, Senator, I think that last summer the left lost a tremendous opportunity to take us up on our offer. I really believe that genuinely.

I think they lost a tremendous opportunity to take us up on that offer, because at that time framed in those terms, discussions could have taken place precedent to the elections, as far as I am aware of, on any subject. But they did not. They said no. I hope that their position has changed. Ours remains constant.

Senator PELL. The purpose of this hearing, as you know, is to consider Senate Joint Resolution 144. Does the administration take a neutral position on this?

Mr. BRIGGS. I am not prepared, sir, to address that resolution. I just saw a copy of it as I walked in the door, and I am not prepared to take a position on it now.

Senator PELL. I see. Well, that is the purpose of our printed agenda, to receive testimony on Senate Joint Resolution 144. I guess then you were not informed of that. Thank you.

The CHAIRMAN [presiding]. Are there any further questions of this witness?

[No response.]

The CHAIRMAN. Thank you very much, Secretary Briggs.

We now have a panel consisting of Dr. Robert Leiken, and Dr. Alan Weinstein, Georgetown University Center for Strategic and International Studies. Both will talk on the subject of negotiations and Senate Joint Resolution 144.

Gentlemen, we welcome you very much. This is a timely hearing. Dr. Leiken, would you be good enough to proceed?

[Mr. Leiken's biographical sketch follows:]

BIOGRAPHICAL SKETCH OF ROBERT S. LEIKEN

Robert S. Leiken is Director of the Soviet-Latin American Project and a Fellow in Latin American Studies at the Center for Strategic and International Studies, Georgetown University. Born in New York City, he completed his undergraduate and graduate work at Harvard University and was a Harvard Travelling Fellow at Oxford University. He has taught at Harvard and MIT and has been Professor of Economic History at CIDE (Centro de Investigacion y Docencia Economica) in Mexico City and Chairman of the Graduate Economics Program at the National Agricultural University at Chapingo, Mexico. He has published a widely-discussed article in Foreign Policy (Spring 1981) on Soviet-Latin American relations and is currently writing a book on the subject. His most recent article, "Reconstructing Central American Policy," appears in the Winter 1982 edition of The Washington Quarterly. Mr. Leiken is also a regular contributor to The New Republic.

STATEMENT OF ROBERT S. LEIKEN, FELLOW IN LATIN AMERICAN STUDIES AND DIRECTOR OF THE SOVIET-LATIN AMERICAN PROJECT, GEORGETOWN CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES

Mr. LEIKEN. Thank you, Chairman Percy.

My name is always difficult to pronounce because of its spelling. I just want to point out that it is pronounced "Laken."

In my prepared testimony I tried to make some rapid conclusions about the elections before all the results were in. They are there. They were inevitably impressionistic and imprecise, with certain conjectural elements. Let me try simply to sum up some of the highlights on the basis of more complete returns.

First, the turnout seems to be approximately in line with previous Salvadoran election turnouts. Figures are disputed because they can be based on the official figures of the electoral commission or those of the opposition parties who claimed fraud in earlier elections, et cetera.

The turnout seems to have been very heavy in the cities, particularly in San Salvador and Santa Ana and Santa Tecla and to have been light on the countryside. We can go into more details about the turnout and claims of irregularities, et cetera, during the questioning period if you are interested.

I bring up some of these details not to question the heroism of the Salvadorans who voted, but precisely in the light of the kind of comments that were made earlier by Senator Tsongas and Senator

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Pell with respect to the Zimbabwe precedent. I will not go into that since it has been treated already.

But I think at that time it was said by some, that the elections of 1978 in Zimbabwe presented a kind of optical illusion. There may be such an optical illusion in these elections. In any case, an optical illusion is not a political solution.

In the week before the elections in El Salvador I had the opportunity to talk to many Salvadoran voters. It struck me that those with whom I had talked who were voting for ARENA, the party of Major D'Aubuisson, and for the National Conciliation Party, the traditional rightwing party, were not voting so much for those parties as against Duarte, against the government which they blamed for the unemployment, for the war itself, for corruption and for many of the problems that incumbents are blamed for.

Among the Christian Democratic voters, many again were not voting so much for the Christian Democrats as against AERNA and against D'Aubuisson. The great majority of those I talked to who were voting for the Christian Democrats felt that if ARENA did well and the PCN did well, then the door would be closed on negotiations. They felt that only through some kind of talks with the opposition could there be peace in the country.

In my survey the overwhelming majority believed that the war could end only through some kind of talks with the guerrillas. For these people in the elections there was no obvious choice. Duarte had emphatically disclaimed any intention to negotiate but without closing the door entirely. Or so people thought. The only party which actually advocated negotiations, the PAR was proscribed on a technicality. Its protests went unheeded. So the great contradiction of the Salvadoran elections was that people voted for peace without a peace party to vote for.

Among the Salvadoran people, as among the American people, there is an overwhelming desire for peace and great confusion and controversy about how to obtain it. Judging from the military activities of the past year it seems clear that pacification will not be achieved the ARENA way. Little attention has been focused on the fact that the FMLN has been conducting a military offensive both before, during and after the elections. They have occupied the country's fourth largest city, laid seige to provincial capitals, cut off the Pan American Highway, and have coordinated their actions throughout a large area of the country.

With this in mind it would be wrong to reach the conclusion that the elections should be considered a military defeat for the guerrillas. Let me add that I had the opportunity to talk with some of the FMLN leaders just before the elections. They insisted that it was not their objective to disrupt the elections, but rather to demonstrate their political presence by what they called parallel military actions. They said the byproduct of such actions could be that there would be no elections in the areas in which the actions were undertaken, and this was indeed the case in Usulutan, Morazan and some other places in the countryside.

Whatever the final alinement that emerges out of the current coalition-building efforts, it seems clear that the center of gravity of the new government will shift substantially to the right. The elections may have opened a Pandora's box. Seeking to validate the centrist

reformist pretensions of one side of the civil war, they will produce, I believe, a stridently rightwing government which plans to halt and reverse the reforms. Presented as a peaceful solution, they will intensify the war.

Thus, for all its jubilance, the administration is in a difficult position. Administration spokesmen insist that they recognize that the roots of the war are socioeconomic, but the Communists capitalized on prevailing inequality, poverty and reaction. Thus, the administration has supported social, political, and economic reforms in El Salvador and via the Caribbean Basin initiative in the region as a whole. It now faces the prospect of bankrolling, assisting and arming a regime which will in fact, if not in word, reverse the reform process and thus further aggravate the socioeconomic conditions on which the Communists thrive.

These conditions will create new adherents for the insurgents, enlarge their support among the rural population and make even more difficult a military solution. And a military solution is the only one offered by the leadership of the new government.

I believe that the only way out of the dilemma in which the administration finds itself is provided by the elections (as some Senators have suggested) to use the opportunity to pursue a genuine political settlement.

I would like to briefly report on those conversations that I mentioned I had with the FMLN leaders just before the election. I talked with Mr. Cienfuegos, who is a leader of the FARN, which is one of the major guerrilla groups, and is a kind of "foreign minister" of the FMLN. Present also were other members of the FMLN.

They insisted very much on the desire for negotiations. They said that all wars eventually end in political settlement, and in this war there would be no winners and no losers. Some other reasons, I gather, for what seems to be their seriousness about the negotiations have to do with the fact that their popular base, like most Salvadorans, want peace. I think we have perhaps been slow to recognize in this country that this guerrilla movement has been historically and continues to be linked with popular organizations.

Another reason why they desire negotiations is they believe that the main task of the government coming out of any kind of settlement would be to reconstruct the economy. Such reconstruction could not take place in the face of American enmity. Only through negotiations could there be a relationship with the United States which would avoid some kind of economic embargo.

The guerrillas have proposed in their most recent negotiating platform that the army be "preserved in its institutionality." I think this is an important point. They are also prepared to participate in elections, they told me, and to guarantee a nonalined foreign policy.

This last point was the subject of several hours of discussion. On the basis of previous research I had formed the hypothesis that there was considerable resistance among certain of the FMLN groups to Soviet-Cuban blandishments. Mr. Cienfuegos told me that the FMLN had agreed to condemn a Soviet invasion of Poland should it occur; that they are opening up relations with the People's Republic of China, the archenemy of the Soviet Union. And Mr. Cienfuegos himself seems to be a fan of Yugoslavian socialism and believes that Yugoslavia and

Algeria are "models of nonalinement because they steer clear of the East-West conflict."

I think we should consider the possibility that eventually people like Cienfuegos could play a role similar to that of Tito in Yugoslavia and Mugabe in Zimbabwe. Cienfuegos' FARN, along with the ERP and the PRTC, are the most nonalined of the five guerrilla groups. The FPL of Cayetano Carpio is close to Cuba, though not necessarily its surrogate, and the FAL is the armed wing of the pro-Soviet Salvadoran Communist Party.

A major argument against negotiations is that within the FDR the Marxist-Leninists are the ones with the guns, and among these Marxist-Leninist guerrillas, the groups furthest from the Soviet Union constitute nearly two-thirds of the men under arms. The relatively pro-Soviet FPL is the largest group in terms of membership but not in term of armed guerrillas.

A military balance could emerge out of a negotiation process, preserving the Salvadoran Army and integrating the guerrillas into some kind of territorial militia. On this basis there could be a political balance in El Salvador which would permit a nonalined government with a pluralistic course.

We should resist the easy alternative of burying the Salvadoran crisis under a mountain of post-electoral self-congratulation. A far wiser use of the elections would be to profit from their political momentum by actively pursuing negotiations now when our bargaining position is strongest.

We must also keep in mind that the current climate for negotiations created by the Mexican proposal is a precarious one. The Mexicans have made an unprecedented diplomatic effort. President Jose Lopez Portillo has risked his prestige. This is the kind of initiative a Mexican president can take at the end of his administration, not at the beginning of the new one. And, Lopez Portillo leaves office toward the end of this year.

To play at negotiations, to raise hopes for negotiations in order to placate domestic and congressional opposition is a dangerous game. It risks poisoning relations with Mexico without whose cooperation there will be no successful U.S. policy in Central America, or indeed in Latin America. It risks destroying the fragile climate for negotiations. This would mean that the issue would be returned to the Salvadoran battlefield. We could thus have in store for us another round of battle at the cost of more lives, at the risk of regionalization of the conflict. Indeed, now with the new Argentine presence we risk continentalization, whose end result most assuredly will be to weaken, not to strengthen, the U.S. position at an inevitable negotiation. That would be the bitter fruit of a shortsighted electoral triumphalism.

Thank you.

[Mr. Leiken's prepared statement follows:]

PREPARED STATEMENT OF ROBERT S. LEIKEN

The apparently heavy turnout in Sunday's elections and the election results obviously have a bearing on the subject under discussion today: the prospects for a negotiated settlement in El Salvador. As the immediate post-electoral euphoria begins to dissipate, as the decorations and banners are being put back in their cardboard boxes, Salvadorans and Americans must now begin to take a hard look at the results and their meaning. While it is much too soon to draw

conclusions from the still incomplete returns, some things are already pretty evident.

In the first place the elections signified a political defeat for the FMLN–FDR. I spoke with the FMLN leadership a few days before the elections. They did not expect election day to look the way it did. Once again, as a year earlier during the so-called "final offensive," the guerrillas made a grave miscalculation. They confused their own desires with reality. They overestimated their level of active support at least in San Salvador, Santa Ana and other cities.

The second observation that can be made about the elections themselves is that the turnout was heavy in the cities and the rural areas controlled by the government and quite light in areas controlled by the guerrillas. The elections were superimposed on a civil war. They expressed the changing conditions of that war. The locus of guerrilla power, as is usual in third world revolutionary wars, has shifted to the countryside over the past year and a half. The government controls the cities (though many are subject to repeated guerrilla attacks) and the guerrillas ascertain a portion of the countryside (especially the north and the east). While from a political standpoint the elections were a definite victory for the government, if perhaps a transitory one, from a political-military or strategic standpoint they simply reflected the reality of a war in which the insurgents have been gaining strength. In the last analysis, the guerrillas' military strength will depend on their political support. If the large vote in elections which the FMLN repudiated can be considered a repudiation of the FMLN, then the military prospects of the guerrillas are dim. I think however such a conclusion would be precipitous.

The turnout, especially in San Salvador, the capital, surpassed all official prognostications. Nonetheless, it must be pointed out that even before the elections seasoned Salvadoran observers found those estimations very low. In 1972 there were 1,119,699 registered voters, of which, according to official (undoubtedly inflated) figures, 806,000 people actually voted.[1] In 1978 there were approximately 1.6 million registered voters of which the same proportion voted. In 1982 there were about 2.2 million eligible voters on the basis of calculations allowing for an increased population (growing at 3.5 percent per year) and nearly 500,000 refugees outside the country. According to announced results about 1.4 million voted. This is somewhat above the previous percentages—an impressive future considering the war conditions. Yet one must wonder why before the elections President Duarte chose to regard 500,000 as an acceptable figure and the chief of the Election Commission Jorge Bustamante spoke in terms of 600,000. With these expectations why were 3 million ballots printed? How were they used?

Just as there appears to have been an artificial and concerted deflation in expected voters, there is suspicion among experienced Salvadoran election observers that there may be a concerted inflation in the numbers of those who voted. Also in a number of polling places they ran out of pens; the voters stayed in line; they handed in their unmarked ballots. There is suspicion that they were filled in by election officials. A large number of ballots were annulled.

Estimates vary on them, but it would be interesting to know how many were annulled in protest and how many through technicalities such as voters not presenting their "cedulas" (identification card). Why was it that the indelible ink used to prevent people from voting repeatedly turned out not to be indelible? And why were 250,000 cedulas issued in San Salvador in the weeks before elections? How could so many people have been without their identity cards when not to have one meant certain death? (Only guerrillas have no identity cards, it is assumed at police and army barricades).

I raise these matters not to place in question the courage of the great number of Salvadorans who voted, but to help avoid our making the mistake made by some three years ago in the case of the Zimbabwe-Rhodesia elections of 1979. You will recall that authorities stated that 64 percent of the electorate had participated in the elections in which Muzorewa won with a majority of 67 percent of the vote. You will also recall that less than a year later Mugabe won an overwhelming electoral victory and the vote for Muzorewa was negligible. The Muzorewa victory was called by some, even at the time, an "optional illusion." Under conditions of civil war, with its frenzy, desperation, coercion and distortion, elections are bound to contain an element of optical illusion. We must be careful not to confuse an optical illusion with a political solution.

The Zimbabwe precedent suggests rather different possible conclusions about the effect of the Salvadoran elections on negotiation prospects. It cautions

[1] Juan Hernandez-Pico et al., El Salvador: Año Politico 1971–72 (Guatemala: Universidad Centroamericana Jose Simeon Cañas, 1973), Table 29, p. 85.

against hasty judgments. It would be wrong to inflate their results and to draw overly optimistic conclusions from them, yet it would be equally erroneous to dismiss them.

Those who, like myself, were in El Salvador during the elections campaign can testify to the dramatic impact of the campaign. By Salvadoran standards great sums of money were spent on campaign posters, songs, T-shirts, banners, newspaper ads, radio and television announcements and programs and the like. Tiny Salvador bubbled with enthusiasm for the newest import from the USA: the new-fangled first modern election campaign in Salvadoran history.

It would be an error to attribute the surprising turnout only to the resources, logistics and public relations. For the Salvadoran people, largely and increasingly the passive spectators, when not the victims, of a ruthless confrontation carried out in their name and whose outcome will decide their fate, the elections were the first opportunity in years for political expression. It was by no means the kind of opportunity the situation required—in which all alternatives could be represented, in which no one feared for his safety if he chose to vote or not to vote, to run or not to run, in which the campaign could go beyond threats, insults, and accusations and deal with the real issues. But nonetheless, with all its grievous, perhaps in the end crippling imperfections, the Salvadoran people appear in their majority to have chosen to participate.

Salvadorans generally turn out in large numbers for elections, but of course these were elections under special conditions—conditions of civil war. Why such a large turnout in such dangerous conditions? Precisely because the elections gave the Salvadorans an opportunity to manifest their desire for the war to end! The great error of the FDR–FMLN—who in their pronouncements and in the evolution of their negotiating position have demonstrated awareness of this desire—was not to have correctly assessed it. It would be an equally grave error for the United States and the new Salvadoran government to make a similar false assessment.

I spoke to a large number of Salvadoran voters, friends, friends of friends, in the days before elections under conditions of "confianza" difficult to attain in today's El Salvador. Many people were voting for opposition parties like ARENA, or PCN or AD, simply because they wanted the Christian Democratic incumbents out. They blamed Duarte for the war, for the unemployment and economic waste, and for the widespread corruption of the reformed banking sector and the cooperatives. Some ARENA voters, especially those with relatives killed or injured in the war, supported the promise of a no-holds-barred campaign which would bring "peace within three months," as D'Aubuisson promised. On the other hand many Christian Democratic voters were voting not, as before, for Duarte but against ARENA. They believed that ARENA would close the door on negotiations with the rebels, the only way they saw of ending the war.

For those, in my survey the overwhelming majority, who believe that the war could end only through some kind of talks with the guerrillas, there was no obvious choice. Duarte had emphatically disclaimed intentions to negotiate, but without closing the door entirely. Or so people thought. The only party which actually advocated negotiations, the PAR (Party of Renovation), was proscribed on a technicality; its protests went unheeded. So the great contradiction of the Salvadoran elections was that people voted for peace without a peace party to vote for.

Among the Salvadoran people, as among the American people, there is an overwhelming desire for peace in El Salvador and great confusion and controversy about how to attain it. Judging from the military activities of the past year it seems clear that pacification will not be achieved the ARENA way. Little attention has been focused on the fact that the FMLN has been conducting a military offensive before, during and after the elections. They have occupied the country's fourth largest city, laid seige to provincial capitals, cut off the Pan American highway, and have coordinated their actions throughout a large area of the country. In the past year they have secured rearguards in which food, weapons and clothing are produced, and military and political training is carried out. Given the physical conditions of the Salvadoran war—the absence of safe border havens, the relative accessibility of its mountain and volcanic hideaways—it is clear that guerrilla success has been due in some measure to popular support, at the very least near their rearguard zones. This, not the traffic in arms from Nicaragua, has been the main factor in the guerrillas' gaining the military initiative in the past year. On the other hand the Salvadoran armed forces have not done well. Search and destroy missions have been ineffective.

Complaints of junior combat officers are common. Divisions in the high officer corps have surfaced.

The elections cannot be considered a *military* defeat for the guerrillas. In public declarations, newspaper interviews, and in my own conversations, the FMLN high command indicated that their strategy was not to attack the elections—i.e. to fire on candidates, voters or polling booths—but to demonstrate their "political presence" by "parallel military actions." On the basis of conflicting statements by local commanders, Salvadoran and U.S. authorities portrayed the guerrillas' goal as the direct assault of the elections themselves. This way large-scale absenteeism could have been blamed on the guerrillas while a large turnout could be characterized as "a military defeat" for the FMLN. Yet it will serve no national purpose if this committee's assessment is based on partisan interpretations. The facts seem to indicate a far more complex situation—a large election turnout contrary to the expectations and calculations of the guerrillas and a series of relatively successful guerrilla military operations in which elements of the local population provided assistance in at least certain cases (in Usulutan, for example).

Turning to the outcome of the elections: whatever the final alignment that emerges out of current coalition-building efforts, it is clear that the center of gravity of the new government will shift substantially to the right. As I testified before this committee three weeks ago, "the elections, undertaken to legitimize a reformist 'centrist' government, will be a further (perhaps the final) stage in the process of erosion and cancellation of the original reformist thrust of the October 1979 Junta." ARENA is violently opposed to the Junta's reforms and PCN spokesmen have declared that besides the ousting of Duarte from the presidency the party would demand a rewriting of his land and banking reforms and a guarantee against negotiations with the guerrillas.

The elections have opened a Pandora's Box. Excluding the left (by unrealistic demands and the rejection of pre-election talks), they have produced an outcome sharply skewed to the right. Even members of participating parties told me that an FDR-FMLN candidate would have received between 20 and 30 percent of the vote, while independent observers made higher forecasts. Seeking to validate the "centrist, reformist" pretentions of one side of the civil war, the elections have produced a stridently right-wing government which plans to halt and reverse the reforms. Presented as a "peaceful solution," they will intensify the war.

For all its jubilance the Administration is in a difficult position. Administration spokesmen insist that they recognize that the roots of the war are socio-economic, but that the communists capitalize on prevailing inequality, poverty and reaction. Thus the Administration has supported social, political and economic reforms in El Salvador and, via the Caribbean Basin Initiative, in the region as a whole. Yet it now faces the prospect of bankrolling, assisting and arming a regime which will in fact, if not in word, reverse the reform process and thus further aggravate the socio-economic conditions on which the communists thrive. These conditions will create new adherents for the insurgents, enlarge their support among the rural population and make even more difficult a military solution. And a military solution is the only one offered by the leadership of the new government.

There is a way out of this dilemma. The Salvadoran politicians and political observers with whom I have spoken agreed that the influence of the U.S. Government in El Salvador is such that were the Administration to opt for a negotiated settlement it could, if with increased difficulty, bring its side to the negotiating table. Without U.S. aid the government could not continue the war and its economy would collapse. Christian Democratic leaders told me that after the elections they would favor negotiations, and that a large turnout would bolster the government's negotiating position. They believed that an important sector of the PCN would go along with this, and that a vigorous U.S. determination to negotiate would carry with them most of the other political forces in the country.

Negotiations can only be conducted with the FDR-FMLN in its totality. Once again there is talk in Washington of an attempt to split the FDR-FMLN into its "democratic" and "totalitarian" components. This proved illusory in past efforts to convince the former to participate in the elections of March 28. Since the elections the FDR-FMLN has closed ranks, both in public statements and private conversations. A negotiating strategy based on separating the armed and non-

armed components of the FDR-FMLN, on offers of amnesty, etc. will prove futile once again.

"Know your enemy" is an elementary strategic maxim. Yet the Administration has steadfastly refused to engage in anything but the most superficial and preliminary conversations with the FDR and has made no effort to explore the views of the FMLN. This situation led me to accept an invitation by the FMLN leadership to meet with them the week before the elections in Managua. Curiously and interestingly the FMLN insisted that I not inform the Sandinista government of the real purpose of my visit to Managua. They did not wish the Sandinistas to take responsibility for or in any way intercede in the conversations. This was one of many indications I have had that the FMLN and the Sandinistas do not see eye-to-eye. I had three long meetings with Ferman Cienfuegos, in charge of the foreign relations of the FMLN and leader of the FARN, one of the three principal groupings in the FMLN. Also present were two other members of the FMLN. These representatives of the FMLN expressed repeatedly their desire for negotiations. Mr. Cienfuegos told me that "all wars end in political settlements," and that in this war "there are no winners and losers." The objective of their military strategy, Mr. Cienfuegos sustained, is "not the defeat of the army but to bring about negotiations."

On the basis of these conversations and the opinions of informed observers, I can suggest several reasons for believing that there is a serious desire for negotiations in the FMLN. The FMLN believes that a military victory over the Salvadoran armed forces is *possible* but it is not *viable*. They appear confident that their military strength has been on the upswing, but they recognize that a government produced by a military victory would have serious internal and external problems. Among the external problems would be the hostile attitude of the United States. The reconstruction of the war-devastated economy would be perhaps insuperably difficult should the United States seek to embargo the Salvadoran economy. A second FMLN motive for negotiating is the popular desire for peace. The United States government has never understood the importance of the FMLN's links with the popular organizations formed during the 1970's. These organizations continue to form the main sustenance of the guerrillas' war efforts. The popular desire for peace is one reason why the majority of the FMLN organizations have rejected the strategy of protracted war.

These factors help to explain why the FDR-FMLN has progressively softened its negotiating position even as it has gained ground militarily. The FMLN has now agreed to the preservation of "the institutionality of the army" in a negotiated settlement. They are also prepared to participate in elections and to guarantee a non-aligned foreign policy.

This last point was the subject of several hours of our discussions. On the basis of previous research I had formed the hypothesis that there was considerable resistance among certain of the FMLN groups to Soviet-Cuban blandishments. This hypothesis was confirmed. Mr. Cienfuegos told me that the FMLN had agreed to condemn a Soviet invasion of Poland. They are opening up relations with the People's Republic of China and a delegation will be visiting China during the first part of the year. Mr. Cienfuegos seems to be a fan of Yugoslavian socialism and believes that Yugoslavia and Algeria are "models of nonalignment because they steer clear of the East-West conflict." He frequently reiterated to me his view that "our struggle is not part of the East-West confrontation."

Ceinfuegos' FARN (Armed Forces of National Resistance) along with the ERP (Revolutionary People's Army) and the PRTC (Central American Worker's Party) are the most nonaligned of the five guerrilla groups. The FPL (People's Liberation Forces) of Cayetano Carpio is close to Cuba, and the FAL (Armed Liberation Forces) is the armed wing of the pro-Soviet Salvadoran Communist Party. A major argument against negotiations is that within the FDR the "marxist-leninists" are the ones with guns. Yet among these "marxist-leninist" guerrillas the group furtherest from the Soviet Union constitute nearly two thirds of the men under arms. The relatively pro-Soviet FPL is the largest group in terms of membership but not in terms of armed guerrillas—only 22 percent. Given the reality of non-Soviet or even pro-Soviet "marxist-leninist" governments in Yugoslavia, Zimbabwe and China, these facts should not be ignored in our calculations.

The guerrillas have differences not only over foreign policy but also over military strategy and future domestic economic policy. There is little basis for thinking that they would form a homogeneous group in a post-settlement El Salvador. More likely would be political competition among a multiplicity of

actors including the traditional parties, the Christian Democrats, the dissident Christian Democrats now in the FDR, the social democratic MNR of Ungo, the Salvadoran Communist Party, the differing factions of the FMLN, the business community, military reformers and military conservatives. Negotiations will not end the struggle, they will simply transfer it to the political and economic terrain—a terrain on which the Soviet-Cuban bloc is at its weakest.

Pluralism happens not because a powerful individual (Duarte, Ungo) desires it, but because a certain balance of power underwrites it. Such a balance did not exist in Nicaragua when the Sandinistas took power. They enjoyed a virtual military and political monopoly. That was a decisive factor in the subsequent monolithic political evolution in Nicaragua and its current virtual alignment with the Soviet bloc.

Should negotiations occur soon in El Salvador there is a real prospect that the military and political balance necessary for a pluralistic outcome can be assured. The acceptance by the FMLN of a minority position in a transitional government and of the "preservation of the institutionality" of the armed forces strengthen this conclusion. A two-tiered military structure is one possible outcome. One tier would be the regular army. The other tier would be a territorial force into which the FMLN would be integrated. The so-called security forces (the National Guard, Treasury Police and National Police) would be disbanded and placed with this territorial militia.

Such a dual military structure could provide the gridwork for a pluralistic and nonaligned political evolution in El Salvador. Each military apparatus would safeguard major political trends in the post-settlement competition. But whatever the precise form of negotiations and settlement, we should be clear on one point. Only through negotiation and settlement will there be stability in the Central American region.

We should resist the easy alternative of burying the Salvadoran crisis under a mountain of post-electoral self-congratulation. A far wiser use of the elections would be to profit from their political momentum by actively pursuing negotiations now when our bargaining position is stronger. We must also keep in mind that the current climate for negotiations created by the Mexican proposal is a precarious one. The Mexicans made an unprecedented diplomatic effort. President Jose Lopez Portillo has risked his prestige. This is the kind of initiative a Mexican president can take at the end of his administration, not at the beginning of a new one. To play at negotiations, to raise hopes for negotiations in order to placate domestic and Congressional opposition, is a dangerous game. It risks poisoning relations with Mexico without whose cooperation there will be no successful U.S. policy in Central America, or indeed in Latin America. It risks destroying the fragile climate for negotiations. This would mean that the issue would be returned to the Salvadoran battlefield. We thus could have in store for us another round of battle at the cost of more lives, at the risk of a regionalization of the conflict (indeed, now with the new Argentine presence we risk continentalization) whose end result most assuredly will be to weaken, not to strengthen, the U.S. position at an inevitable negotiation. That would be the bitter fruit of our short-sighted electoral triumphalism.

Senator ZORINSKY [presiding]. Mr. Weinstein, would you like to make your opening remarks?

STATEMENT OF ALLEN WEINSTEIN, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES, GEORGETOWN UNIVERSITY

Mr. WEINSTEIN. Thank you, Senator.

My name is Allen Weinstein. I am executive editor of the Washington Quarterly and university professor at Georgetown, but I testify today as an individual representing neither my magazine nor Georgetown nor any of its components.

I was invited to testify today presumably because of my background as a historian, and because of that and because I returned last Sunday from an 8-day trip to El Salvador and Nicaragua with a small delegation of American journalists. We went as representatives of an organization called the Committee To Protect Journalists whose honor-

ary chairman is Walter Cronkite, and we met in both countries with a broad cross-section of government and private sector leaders as well as with representatives of the press.

I should add that a subgroup of our committee went on to Guatemala, although I did not join them on that part of the trip.

I have appended the draft of our findings—more precisely, I will do so, Senator, because the final copy is not ready, though I could read portions of it if you or Senator Dodd were interested—which will be released at a New York City press conference this afternoon at the Overseas Press Club, and for which I am afraid I have to leave in about 15 minutes or so.

Although I do not come before you as a spokesman for that group——

The CHAIRMAN. Did you say you would have to leave in 15 minutes, Doctor?

Mr. WEINSTEIN. I am afraid so. My statement will take about 5 minutes or less.

The CHAIRMAN. I see that you just started. Go right ahead. We hope to question you.

Mr. WEINSTEIN. Although I do not come before you as a spokesman for that group to which I do not belong formally, my testimony reflects the range of perceptions and ideas gathered both during and after the visit to El Salvador and Nicaragua.

I will try to cut this short, Senator, to leave maximum time for questioning.

I just want to make clear to the members of the committee that I am here today not as a specialist on Central American affairs—I am primarily a U.S. historian—but on the basis of my experience in El Salvador and Nicaragua and my own background, I offer these observations. There are essentially four points.

Point No. 1—and this has been said earlier today by Senators Dodd and Tsongas, as well as other members of this committee—in its present form this resolution has been overtaken by events in El Salvador, specifically by the success of last Sunday's election.

The wording of Senate Joint Resolution 144 presupposed an election which was neither "open" nor "free," words used in connection with the postnegotiation election but withheld from its reference to last Sunday's election.

Until the new political realities in El Salvador have been clarified and a new government formed, any resolution by the U.S. Congress which prejudges the situation, which declares, for example, that the present opportunity to pursue negotiations is unique and may not be repeated, may prove as flawed as the judgment of most commentators in this country who predicted confidently that last Sunday's elections would be either faked, or a fiasco, or unrepresentative of the general will of the Salvadoran people.

The use of historical analogy has become an integral component of U.S. policymaking in Central America on all sides and is reflected in resolutions such as this one, perhaps unhelpfully.

Congress and the American public must determine ultimately whether or not the administration's commitment to El Salvador foreshadows another Vietnam, as critics argue, or offers hope, as its sup-

porters insist, of preventing the triumph of another Castro in Central America.

At the very least, however, this committee bears the additional burden of trying to clarify the relation of past experience to present policy dilemmas. For every member of this distinguished body committed to a Vietnam analogy, I submit, there may be others who recall civil wars in Greece and Malaya, among other places, which offered quite different approaches to the relations between partially democratic governments and leftist insurrections.

And, parenthetically, Senators, if I may say so, I think much of the discussion this morning really concerned the issue of legitimacy, which is to say the degree to which this government after an election can be considered legitimate, and therefore the degree to which those who did not participate in the electoral process must make their peace with it in some fashion under the rules of the game now existing. That seems to me to be, at least in part, one of the elements in the dispute over the lessons of history which I believe is the heart of the matter.

Point No. 3, the concept of unconditional negotiations usurps the prerogative of both government and insurgent leaders to define the boundaries of their dialog in what at least to me seems an unnecessarily provocative manner. It's the word "unconditional" that I wonder about.

And I will just move along to my fourth point. The idea of linkage, I believe, should be applied to Central American policy in this instance.

While in Nicaragua last week I had the privilege of meeting extensively with leaders of that country's democratic opposition, whose liberty has been placed in dire jeopardy since the Sandinista government proclaimed its state of emergency and began ruling by decrees, which effectively wiped out all remaining vestiges of press freedom and civil liberties in that country.

I do not pretend to speak for such extraordinarily brave figures as Archbishop Obando, Alfonso Robelo, Pedro Chamorro of La Prensa, or the COSEP leaders. But as the exiled head of Nicaragua's Human Rights Commission wrote in yesterday's Washington Post, we must not avert our eyes from the profound measure of repression now occurring there.

The Sandinista revolution came to power promising freedom of expression, a pluralist political society and guarantees of civil liberties, all of which have been violated in practice.

It promised to cite the words used by this resolution, "open and free elections under international supervision," such as those which occurred last Sunday under conditions of civil war in El Salvador.

Can the Congress of the United States, especially because of its deep concern for the peace and security of the Central American region, as expressed in this resolution, not declare it American policy to press for the very revival of the democratic process in Nicaragua at the same moment it focuses on the extension of that process in El Salvador? I think not.

At the moment in Nicaragua the Sandinista government neither negotiates with the democratic opposition forces of that resolution nor promises any sort of election prior to 1985. Evenhandedness in Central America requires this country to defend democratic processes

whenever they may be imperiled, and nowhere have they been placed in jeopardy more obviously today than in Nicaragua.

My personal sense of obligation to the courageous figures who uphold democratic ideals in that country today requires that I urge their cause for your consideration in closing my testimony.

Again, I thank the subcommittee for its invitation to testify today.

The CHAIRMAN. We thank both of you very much.

Dr. Weinstein, do you perceive an interest in Nicaragua in the prospects of negotiation over El Salvador?

Mr. WEINSTEIN. Yes, sir, I do. It was one of the most remarkable elements in the trip to Nicaragua for myself at least—I will not presume to speak for my colleagues who were with me—that in the midst of the pressures under which they themselves had been placed, the opposition leaders in Nicaragua took heart not only from the prospect of some end to the turmoil in El Salvador which would involve a genuinely broad-based government, but rather also from the recent coup in Guatemala and whatever prospect that opened for a freer society in Guatemala.

I happened to be in the offices of La Prensa when the news came of that coup, and I cannot describe to you the measure of rejoicing in those embattled offices.

The CHAIRMAN. Dr. Leiken, were you present at the elections in El Salvador?

Mr. LEIKEN. I left 2 days before the election.

The CHAIRMAN. You left 2 days before the election. Were your own skeptical comments based on what you saw immediately before the election or on what basis were those conclusions arrived at, and why were they so sharply divergent from the views of Senator Kassebaum and members of her delegation?

Mr. LEIKEN. Senator Percy, I have had the opportunity to spend some time in Salvador. I have made friends with a number of Salvadorans. I have been in communication with them since the elections. And it is on the basis of those communications and on the basis of, as I say, numerous conversations before the election that I made those observations.

I think it is only correct to point out that with all due respect, in the situation that prevails in El Salvador, to expect that Salvadorans will speak candidly to Americans, still less to representatives of the American Government, is perhaps not very realistic.

I have found that it was only after a great deal of effort, after making contacts via friends that I had had previously that I was able to engage in conversations with Salvadorans on a basis of mutual trust—in their homes, in the marketplace, where they worked, and so forth.

Frequently I found that what I was told as a stranger differed quite radically from what I was told once I was introduced as a friend, as someone who could be trusted, as someone who would not later speak to the government, and so forth.

There is a tremendous atmosphere of terror and coercion in El Salvador. The elections did not change that atmosphere. Election day I do not believe changed it. This atmosphere is bound to have an effect on whatever interviews Salvadorans give to the press or to public officials or even private individuals.

The CHAIRMAN. Dr. Weinstein, it certainly would seem to me that the election results were a huge repudiation to the leftists and guerrillas. People not only defined them at the risk of their lives and well-being, but massively turned out to support the efforts of those who were trying to bring about democratic reform.

What do you suppose their attitude is now in the left wing? Are they still hoping for negotiations and for power sharing? And what would be their realistic outlook if they were to enter into negotiations with the victorious parties?

Mr. WEINSTEIN. Senator Percy, as you know, I do not profess any expertise in Latin American affairs, but before I shift that question, with your permission, over to my colleague, there are two specific points that I would like to make that bear on your question.

The first is a theme that has been raised often this morning, namely the question of security guarantees for the left should any participation in the political process within El Salvador be resumed.

It is important, I think, to keep in mind something that we found—and God knows, I am aware, as all of my colleagues on that delegation were, that everybody we talked to was aimed at impressing us with whatever their particular side of events was. I do not think we were overly impressed. The Sandinistas put on a great display of trying to attack La Prensa and the rest, and somehow my colleagues and I did not have any trouble in fielding that one.

But the security guarantee problem is not only one for the left. We spent several hours in the D'Aubuisson headquarters. My wife, who went with me, who is fluent in Spanish, and I spent several hours in the Christian Democratic Party headquarters.

If you had had to campaign in Chicago, or Senator Tsongas in Massachusetts, or Senator Dodd in Connecticut with the degree of security, with the number of guns and armed people wandering back and forth in those headquarters, coming in and out, the security problem would never have been far from your mind.

In short, I am not certain that the addition, had the FMLN accepted the good offices of the American Government or of the Latin American governments which came into this process, and participated in the election, I am not certain that their security dilemma would have been different in kind necessarily from the security dilemma confronted by several of the other parties, at least as we witnessed it.

And I must say that the anomalies of that election did not often emerge in the American press. For example, I do not know how many of you around this table know that—Senator Zorinsky, pardon me; I did not see you there earlier—but I do not know how many of you realize that President Duarte functioned for this entire campaign without a party newspaper, at least as far as we were told by his own people. That is to say, in terms of the amount of funds spent, the ARENA party and the other parties of the right outspent the Christian Democrats enormously. And I think any of you gentlemen around the table would have been a very valued political consultant to President Duarte during this process. To a very considerable extent he was outraced, outfoxed, and lost control, as best we could judge, of that campaign to Major d'Aubuisson in terms of impetus.

But a second point which emerged this morning which I think is critical here, namely, the issue of legitimacy. The example of Zimbabwe and of Namibia has been raised several times, but as I think we are all aware of—and to be sure, the differences in the first and second elections in Zimbabwe, for example, were dramatic, thoroughly dramatic in terms of their shift—but Zimbabwe was, after all, legally still from the perspective of the British as Rhodesia in a colonial situation. It had no legitimate claim to nationhood from the British perspective any more than Namibia would have except under international auspices there.

Now, the question is at this point whether in the case of El Salvador, which has had by common consent a free and open and honest election with whatever government emerges, in the course of negotiating with insurgent elements in that country—pardon me, Senator Kassebaum, I did not realize that you had entered, but I was trying to address all of you—in the course of negotiation with insurgent elements, are they to negotiate on the basis of equality, are they to negotiate on the basis of equal legitimacy—that is to say, whose rules of the game are to apply here. This seems to be to be the crux of the matter, and clearly any number of adjustments and accommodations would have to be made.

I do not know how the election would have turned out on Sunday if in every polling place in El Salvador there had been some insurgent troops and some government troops all sort of watching carefully. It might very well have been different. But the fact of the matter is that there is a new political reality in El Salvador, there has been this election, and from my perspective at least that election provided one thing which this government lacked sorely in the past, which was a measure, not a satisfying measure in its totality, but a measure of legitimacy.

The CHAIRMAN. Thank you very much.

I yield the balance of my time to my colleagues because your time is limited.

Senator Zorinsky.

Senator ZORINSKY. I yield.

The CHAIRMAN. Senator Tsongas.

Senator TSONGAS. I was intrigued by your comments about Zimbabwe, because I do not remember your saying that at the time.

Mr. WEINSTEIN. My saying what?

Senator TSONGAS. That after the first elections took place and we were trying to make the argument for negotiations and subsequent elections, had you made statements at that time on this issue?

Mr. WEINSTEIN. I had never written a thing, Senator, on it.

Senator TSONGAS. Excuse me?

Mr. WEINSTEIN. I had never written a thing on this issue one way or another. I have absolutely no, as far as I can tell, any published writing in which the subject is mentioned.

Senator TSONGAS. I think most people would agree that what has happened in Zimbabwe has worked out rather well, would you not agree?

Mr. WEINSTEIN. At the moment my impression of it is that it has worked out better than some had hoped and not quite as well as some of the authors of that compromise, that the events are still really up in the air.

Senator TSONGAS. Nothing ever does.

Mr. WEINSTEIN. Yes, sir, that is one of our problems.

Senator TSONGAS. Well, if we did not have those problems, we would not have people testifying.

Mr. WEINSTEIN. No, sir.

Senator TSONGAS. I am not going to take the committee's time.

Senator DODD. I just have a couple of points. One, to thank both of you for being here. The other is this: We are going to be recessing for at least a week and maybe more. I am not exactly sure yet what the schedule is going to be like around here. And obviously the next few days are crucial.

I wonder how crucial these next 2 weeks are. Dr. Leiken, why do you not comment? How crucial—and I ask that question, I say how crucial is it in terms of a possible negotiated settlement? What I am getting at is: There is some concern about whether or not the United States ought to take a position at this time. You may have heard—I am not sure if you did or not—the testimony of the State Department, that while they did not endorse at all, negotiations at this point, they would not reject them out of hand in the future.

I am wondering, from your standpoint, whether or not you think that is a wise position for this Government to be taking.

Mr. LEIKEN. Well, no. I have indicated that I feel the wisest thing would be to use the momentum of the election, in order to get to the negotiating table. I am afraid that if this Mexican initiative is dropped, that we may not get a similar opportunity, and I am convinced that we will not get as good an opportunity politically, as which now exists as a result of the election.

Senator DODD. Do you think we have a little leeway here?

Mr. LEIKEN. I think we probably have some leeway, but I do not think we have a lot of leeway. I think a lot will depend on Mexico's attitude. A lot will also depend on what comes out of the coalition-forming process. Will, for instance, Venezuela continue to support the government if the Christian Democrats are not in the coalition or if the Christian Democrats are in a very weak position in the new government with some insignificant offices?

Already the Christian Democrats in Venezuela have indicated receptivity to negotiations. If they should bail out as a result of the process in Salvador, drop their support, then again our position at the negotiations would be weaker.

Senator DODD. I have not talked to any representatives of the opposition groups since the election. You apparently have. Is their position with regard to negotiations the same as it was prior to the election?

Mr. LEIKEN. Yes, they are maintaining their position. They are less optimistic about the prospects.

Senator DODD. But there are no changes from what they had released earlier as to no preconditions and so forth?

Mr. LEIKEN. No; no changes.

Senator DODD. Well, I want to thank you for your testimony. I always find myself in so much agreement with you that I am sure people must think that there is some sort of a cabal. I do not think we have ever really met. You have been before the committee a couple of times. I find myself in such total agreement with your position and your

thought on these things that we are fortunate indeed to have you as a witness before this committee.

Senator TSONGAS. If the Senator would yield.

Senator DODD. I would be glad to yield.

Senator TSONGAS. Let me ask one question which is outrageously unfair, and I acknowledge that from the beginning. And if I were in your shoes I would dodge it.

Would you try to predict while we are on vacation for these 2 weeks, what do you think is going to happen in the next 2 weeks in El Salvador? I mean it is a remarkably fluid situation at this point, but would you care to hazard a guess and then 2 weeks from now we can go back and read it and see if they knew what they were talking about?

Mr. WEINSTEIN. I am glad you addressed that to Mr. Leiken, Senator. I am sure he would be delighted to answer it. [Laughter.]

Mr. LEIKEN. I think the military situation is easier perhaps to foresee, and I think it is important not to lose sight of it. As I have indicated, I think the FMLN has been conducting a relatively successful offensive. They were unable to penetrate San Salvador which they wished to do. They wanted to be able to make some kind of—to have activity within the San Salvador city limits. They had some skirmishes on the outskirts, but they were not able to get through and penetrate San Salvador. They have, however, taken Usulutan for a while and some other important provincial capitals.

I think there is going to be an intensification of the war. I think we are in the midst of an offensive which we may have lost sight of. That could affect the situation.

In terms of the coalition building, there it is much harder to predict. Most observers feel that it is going to be very difficult for the five parties that ran against the Christian Democrats, who focused their whole campaign on the Christian Democrats, who insulted the Christian Democrats—D'Aubuisson was calling Duarte a Soviet agent on television the last night of the election campaign, and the others attacked him in perhaps somewhat more restrained form, but never attacked one another; they never attacked one another.

Senator DODD. Did you see that report, by the way?

Mr. LEIKEN. Excuse me?

Senator DODD. Did you watch that on television?

Mr. LEIKEN. Yes.

Senator DODD. Do you speak fluent Spanish?

Mr. LEIKEN. Yes. It is hard to believe that those parties will divide. In other words, it seems to me inconceivable the Christian Democrats will manage to get one of those parties away from say ARENA and form a coalition. That I think is out of the question.

There is a possibility that there will be a coalition which will include the Christian Democrats and exclude Duarte. That seems to be a possibility. I think the American Embassy, which has been conspicuous in its activities in San Salvador, clearly would like that kind of an outcome. I would not dismiss it as a possibility. I think it will be very difficult, and what kind of concessions will be made, what kind of offices the Christian Democrats will have, what kind of political program will come out of it will also be a result of that bargaining process.

I think again it is very hard to make predictions, but it seems clear to me that when you are dealing with ARENA and you are dealing with the traditional party against which the military coup was made in 1975, the PCN, and whose composition has not changed, that it is awfully hard to imagine that they are going to pursue the reform process with any vigor.

I think given their social base, given their constituency, what is much more reasonable to forecast would be a stopping of that reform process. So, again, what I would imagine will happen will be a slow or perhaps even rapid polarization of the situation.

There is also the possibility that if the Christian Democrats do not go into the government or are not allowed into this coalition, or if they receive only minor offices, that many of them will leave, leave either the party or move into the opposition, because if they see people like D'Aubuisson or people close to D'Aubuisson, people close to the PCN, taking important positions in the government, they may feel that the reform process is over, that what they have struggled for for a long time has come to end, and that their only hope is to join the opposition now.

That I think is a possibility. It has happened among Christian Democrats before. There are Christian Democrats now in the FDR.

Mr. WEINSTEIN. If I could add only one word to that, I think having listened to that bleak forecast, my only response would be that in light of the election I would not count the Salvadoran people out or for that matter even their politicians out; because it would seem to me that the American Embassy will be making herculean efforts to achieve in that country a center-right balance that will allow the continuation of the goals that would, I think, be essential for continued support by the Congress and by the American people of our efforts in El Salvador. And to paraphrase a line of President Kennedy's during the missile crisis, this is the week the American Ambassador earns his keep. How much he can do, I do not know. How much he should do, I do not know. But I would imagine that these efforts are proceeding very intensely.

The CHAIRMAN. Senator Kassebaum has a question.

Senator KASSEBAUM. Dr. Leiken, I regret that I had to leave while you were offering your comments on the election. There is a lot of rhetoric and reading of tea leaves right now on what is going to happen and what has happened in El Salvador. I think it was unfortunate that you were not able to stay for the election and be there two more days so that you could have personally observed what took place. I said from the very beginning that I was under no illusion we were going to be able to observe every polling area and analyze thoroughly the over 4,000 sites. However, one can get a certain sense by visiting, as I did, six areas, two of them in remote or mountainous areas outside of the city. And as you know, we all split up in order to cover as many polling areas as possible. There were a number of unofficial observers there as well as many other official ones.

While there were technical violations, I think they were bound to happen in any election. You cannot put this under a microscope and expect the El Salvadorans to do better than we do ourselves. That is rendering a judgment which I think would be presumptuous.

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I believe that if one were there, however, and one did participate in the throng, of voters, one gets a sense of the message they were trying to communicate in a very simplistic way. The lights might not have worked at some of the polling sites. There might have been problems with the pens as you claimed. That is the first I had heard of it.

Obviously certain people did not get to vote because in some of the rural areas I visited there was no electricity, and those polls closed at 4 p.m. One I visited at 3 p.m. had hundreds of people still struggling to get in to vote before closing.

That, I think, is a message you cannot overlook. So, I am sorry you did not get to stay and experience that certain feeling of what was accomplished that day.

Mr. WEINSTEIN. Senator Kassebaum, if I can just intrude for half a second. I am off to catch a plane, and you will forgive me, Bob, and let you respond after me.

I want to thank the members of the committee for allowing me to testify. But before I do, let me, if I may, conclude. I was in El Salvador the day of the election; we left that morning. And a memory which will stay with me for the rest of my life is driving out of the city—and as you know, you are up in the mountains the moment you are out of San Salvador—past that half-mile long line, although I would have judged it to be about three-quarters of a mile, long lines of people about 10 or 12 deep waiting to vote. But an even more impressive sight in its way was watching as our taxi drove out of the city as people literally came off the dirt roads, out of the forests on to the main highway where they were perfectly exposed to any fire from whatever side as they walked toward those polling places. It was one of the most extraordinary displays of human courage that I have ever witnessed.

Senator KASSEBAUM. And I would have to agree.

Mr. WEINSTEIN. Thank you very much.

Senator KASSEBAUM. I appreciate your comment on that.

I also would like to say that there were some disruptions that I saw. There was gunfire around the American Embassy. When we arrived Friday night one of the larger food markets was destroyed by a bomb. So there were efforts made to disrupt the election in San Salvador.

Mr. LEIKEN. First of all, Senator Kassebaum, let me explain the reason why I was not able to stay on election day. I felt that it was important and was specifically asked by those who had set up my meeting with the FMLN to get back to this country where I had a meeting with Assistant Secretary Enders on Friday to tell him about that meeting, because some of what we discussed had to do with their strategy on election day, and it seemed more important to get back and try to clarify that and to present that information to the government as soon as possible.

And I think also, though, there is a bit of a misunderstanding, and I would like to read a bit from my prepared statement which might clear it up. I by no means am trying to throw cold water on the turnout. What I am trying to do is put this election in perspective. I say in my testimony it would be an error to attribute the surprising turnout simply to resources, logistics and public relations. The Salvadoran people largely and increasingly in the past have been spectators when not the victims of a ruthless confrontation carried out in their name and whose outcome will decide their fate. The elections were the first

opportunity in years for political expression. It was by no means the kind of——

The CHAIRMAN. Is this, Dr. Leiken, all in your statement?

Mr. LEIKEN. OK.

The CHAIRMAN. I do not think you have to read the whole thing.

Mr. LEIKEN. Let me clarify that I think there was a large turnout, particularly in the cities. In three departments—La Libertad, San Salvador, and Santa Ana—60 percent of the vote came from those departments, mainly urban departments. There was less of a turnout in the countryside.

What I was trying to say, one of the points I was trying to make in my testimony was that this turnout reflected an overwhelming desire for peace, and what we have to look at is what road can we take to peace. Are the elections going to lead us to peace without some kind of political settlement with the opposition, or do we not need to look at the feasibility and at this point the opportunity, I would say, of negotiating.

But let me clarify that I am in no means trying to cast any doubt on the bravery of the Salvadoran people or on what you people observed. I think, however, the situation was a complex one. I think if one had a longer time to speak with those people perhaps other attitudes might have emerged and the complexity might have become clearer. But again, there was an important turnout, particularly in San Salvador. The guerrillas clearly miscalculated about the election. Those are undeniable facts.

The CHAIRMAN. Thank you very much.

The meeting is adjourned.

[Whereupon, at 12:36 p.m., the committee adjourned, subject to call of the Chair.]

OVERVIEW OF U.S. POLICY IN CENTRAL AMERICA AND THE CARIBBEAN, TO INCLUDE DISCUSSION OF THE CARIBBEAN BASIN INITIATIVE AUTHORIZATION REQUEST AND SECURITY ASSISTANCE INCREASES FOR FISCAL YEAR 1983

TUESDAY, APRIL 20, 1982

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 2:10 p.m., in room 4221, Dirksen Senate Office Building, Hon. Charles H. Percy (chairman of the committee) presiding.

Present: Senators Percy, Pell, Zorinsky, and Dodd.

Also present: Senator Steven D. Symms.

The CHAIRMAN. Procedurally, in the Senate we have a live quorum on now, which will be followed by a cloture vote on whether or not the Senate shall be open for radio and television, so we will probably have to recess in about 20 minutes, but I think that might give us time to get started anyway.

Ambassador Bosworth, we welcome you very much to these hearings on our policy in Central America and the Caribbean. Mr. James Michel of the Legal Adviser's Office is with you and we welcome you, too, Mr. Michel.

By the way, are there any other persons with you whom you would like to introduce?

Ambassador BOSWORTH. No; I do not believe so, Mr. Chairman. No one else will be speaking on the record.

The CHAIRMAN. Fine. The subject matter in our discussions today will range rather broadly. This region has troubled us over the past year. Conflicts in El Salvador have been on the front pages of the newspapers continually; and though the elections were a welcome measure of the Salvadoran peoples' support for the program of reforms that are being implemented down there, I think we all recognize that the road to peace in El Salvador is a long and a very difficult road.

Our relations with Nicaragua have seemed to become more difficult, too, over the past year. There is increasing concern about Cuban activities and intentions in the region. We have become increasingly worried about instability in Guatemala. Now there is a new government there that hopefully will be able to apply a more skillful hand in meeting the challenges it confronts.

The list goes on and in the environment of instability and animosity, the President's Caribbean Basin Initiative has seemed to be one

of the few proposals that focussed on the root causes of problems in the region and that looked to a peaceful and constructive solution to those problems. I continue to hope that our support for that program will be strong and bipartisan.

Today's hearings are intended to give us a fresh insight to our relations in the region and to the direction of our policies there. This background will help to inform decisions this committee must take on several pieces of legislation in the next few weeks. The committee has before it a number of resolutions and amendments to major legislation that deal with Central America and Caribbean issues.

In addition, the administration has requested that we consider authorizing an additional $350 million in emergency economic assistance to Central America and the Caribbean countries to implement the Caribbean Basin Initiative. The administration has also asked for $60 million in military assistance this year to further support the military situation in Central America that many people believe cannot be won by the sword.

Additional requests are before us for fiscal year 1983 also. I believe that some members of the committee, at least, will need to be convinced that these requests should be supported.

The committee will be hearing from public witnesses on these same questions on April 27. On May 3 and 4 the committee will mark up the Caribbean Basin and security assistance legislation as well as the several resolutions on the negotiations process in El Salvador and on the use of U.S. military and military assistance in the region that are before us.

The vote has just started. I would really judge it best to suspend the hearing for now. I will see how many of our colleagues I can collect to come back with us. It will take about 6 minutes for the round trip and we will be in recess for that period.

[A brief recess was taken.]

The CHAIRMAN. Ambassador Bosworth, we are happy to hear from you now.

STATEMENT OF HON. STEPHEN W. BOSWORTH, DEPUTY ASSISTANT SECRETARY FOR INTER-AMERICAN AFFAIRS, DEPARTMENT OF STATE, ACCOMPANIED BY JAMES H. MICHEL, DEPUTY LEGAL ADVISER, DEPARTMENT OF STATE

Ambassador BOSWORTH. Thank you very much, Mr. Chairman. It is my pleasure to appear before this committee along with my colleague, Mr. Michel, the Deputy Legal Adviser of the State Department, to testify on the overall framework of our policy approach to Latin America in general and Central America and the Caribbean in particular, and to attempt to concentrate to some extent, Mr. Chairman, on the budget request for security assistance for fiscal year 1983 which is now before this committee.

We have prepared a rather extensive statement, Mr. Chairman, which, with your permission, I would submit for the record and perhaps would summarize it orally at this point.

The CHAIRMAN. Your complete statement will be incorporated in the record. We would be happy to have your summary.

Ambassador BOSWORTH. Thank you very much, Mr. Chairman.

Very briefly, we believe we now have in place a basic policy framework to deal with the threats to U.S. national interests in Central America and the Caribbean region. Let me enumerate the elements of that policy framework very briefly.

First, there is an economic component. As you yourself mentioned, Mr. Chairman, the President's Caribbean Basin Initiative is designed to address what is in fact a deteriorating economic situation in the Caribbean Basin region and in Central America in particular. In that Caribbean Basin Initiative the President has asked authority from the Congress to extend to the countries of that region one-way free trade access to the U.S. markets for the great bulk of their agricultural and industrial production.

Mr. Chairman, that, together with incentives to capital formation or to private sector investment in those countries both by domestic investors there and by American investors responding to the proposed fiscal incentives for American investment in the region, we believe, Mr. Chairman, that over the medium term those instruments will constitute a very powerful stimulus to the process of economic growth in this region, that they will produce increased production. They will produce new jobs and they will produce new exports, all of which are vitally important to the economic well being of those countries.

However, Mr. Chairman, the President's program also recognizes that in the case of many of these countries they face acute short-term financial needs. These short-term financial needs stem primarily from the very sharp deterioration which has occurred in their balance of payments over the past couple of years, a deterioration resulting, on the one hand, from large increases in the prices of essential imports, particularly petroleum, and, on the other, sharp decreases in the prices of the major export commodities, such commodities as coffee, sugar, cotton, and bauxite.

The result of that has been to pose major financing gaps for these countries. That has had a very sharp impact on private sector development in them that has had a very sharp impact on the rate of unemployment and the rate of inflation.

Therefore, Mr. Chairman, in order to assure that these countries will be in a position over the medium term to benefit from the trade and investment opportunities which are the centerpiece of the President's program, the President also has proposed an increase in the level of U.S. economic assistance to those countries.

I am sure that you and members of your committee will have noted that in the President's budget proposal for fiscal year 1983 we have proposed a rather substantial increase in economic support fund assistance. This increase, Mr. Chairman, together with the $350 million supplemental requested by the President for fiscal year 1982, is designed to respond directly to this urgent short-term financial requirement on the part of many of the key countries of this region. As such, it is one of the central components of the President's Caribbean Basin program and of our overall strategy in the Caribbean Basin area.

The second element of our policy approach to the problems of the area, Mr. Chairman, has to do with political development. Here I would note in passing that we have indicated our very strong preference to see a continued development of democratic institutions in these

countries. I would note that over two-thirds of these countries already are functioning democracies. That stands in some contrast, I believe, with the common public perception which may exist in this country of the preferred form of government in that region of the world.

In countries which are seeking to move toward democracy, Mr. Chairman, we have attempted to throw our political weight behind that effort. I would say that we have seen some encouraging developments over the past several months. I would cite in this regard the successful election in Honduras which completed a return to constitutional civilian rule. I would cite the successful election in Costa Rica which again demonstrated the strength of that country's democratic institutions in the face of what is probably the worst economic crisis that the country has faced for several decades.

Finally, of course, Mr. Chairman, I would cite the success of the March 28 elections for a constituent assembly in El Salvador which, as I am sure we will be able to discuss subsequently in the testimony, we consider to be a major success in the development of democratic institutions in El Salvador. We stress that it is only a beginning in the establishment of democratic systems and the democratic process, but we think the process is off to a very good start indeed.

Finally, Mr. Chairman, we must deal with the security aspect of the situation in Central America and the Caribbean. As I have indicated, some of the economic and social problems of that region which are of long standing are in themselves causes of political instability and political conflict within those societies.

However, Mr. Chairman, it is undeniable that at present countries from outside the immediate region—and I refer here specifically to Cuba and increasingly to the role being performed by Nicaragua—are seeking to exploit for their own political objectives these insurgent movements within the countries that we are dealing with.

Therefore, Mr. Chairman, the administration, while placing emphasis on the need for economic development, economic assistance, and on the successful evolution toward democratic institutions, also believes that it is incumbent upon us to provide these countries with the means to defend themselves. That, Mr. Chairman, is the reason that we are proposing an increase in the foreign military sales credit request for fiscal year 1983 from the $62 million level of last year to the $125 million level proposed for fiscal year 1983.

In summary, Mr. Chairman, I would emphasize that the increased requests for fiscal year 1983 are based upon: One, a clear determination that U.S. national interests are vitally engaged in Central America and the Caribbean; two, that those interests are under active threat and that the preservation of them requires both a political commitment by this country and a substantial commitment of resources.

This, Mr. Chairman, is the fundamental reason behind the increases in these request levels, recognizing, as we do, that this is a very difficult budget requirement, a very difficult economic situation in which to propose such increases. We are nonetheless convinced of their fundamental necessity.

Finally, Mr. Chairman, I might comment very briefly, as we were invited to do by the committee staff, on certain of the resolutions which are now before the committee and which I understand the committee will be considering in the course of the next several weeks.

First, Mr. Chairman, I would refer to Senate bill 2179, which is a proposed amendment of the War Powers Resolution to prohibit the introduction of U.S. Armed Forces into El Salvador for combat without prior congressional authorization, except in the case of a clear and present danger, et cetera.

I would simply say here, Mr. Chairman, that although this administration has no intention of committing U.S. forces to combat in El Salvador or anywhere else in Central America, we believe it would be unwise to limit the President's flexibility in responding to future emergency situations which might seriously affect U.S. national security interests in this vital region.

We also believe, Mr. Chairman, that this question is already adequately provided for in the existing War Powers Resolution and that any further legislation on this subject would unnecessarily degrade the integrity and usefulness of the War Powers Resolution and could threaten to begin a process of reopening and amending its text to deal with specific foreign policy situations.

Next, Mr. Chairman, I might comment briefly on Senate bill 2370, which would amend the Foreign Assistance Act to require specific congressional authorization, among other things, for any provision of any additional security assistance and any further arms sales or financing for any of the countries of Central America.

The administration believes that this bill could severely inhibit U.S. programs in the area. It would apparently require advance congressional approval for the number of personnel to be assigned to each country, the amounts to be provided for each project in-country, the value of defense articles to be sold by the United States or licensed for commercial export to each country and other details not presently subject to congressional approval for any country.

This would make it very difficult even to manage noncontroversial programs in this area such as assistance programs in Costa Rica and Honduras, let alone to respond to urgent changes in circumstances which will inevitably occur in this troubled region. We believe that the current provisions of the Foreign Assistance Act and current procedures for congressional approval of funding levels and review of programs insure adequate congressional involvement in the formulation of these programs and appropriate congressional oversight of their implementation.

We believe it would be inappropriate for the Congress to undertake the management of individual programs, as is apparently envisioned by Senate bill 2370.

Mr. Chairman. I would also like to comment briefly on amendment No. 1349, otherwise known as the Symms amendment, which would, as we understand it, reaffirm the policy set forth in the 1962 joint resolution concerning U.S. determination to oppose the efforts of Cuba to expand its sphere of influence in the Western Hemisphere. I have commented on this particular amendment, Mr. Chairman, in the prepared statement which has been submitted for the record.

I would simply add here that in our view this resolution reflects the policy of six administrations, certainly this one, and we fully intend to support the Symms amendment after it has received appropriate committee consideration as an expression of our continued policy.

Finally, Mr. Chairman, I would like to say a word on the question of negotiations in the particular context of El Salvador. There is at least one resolution now before this committee which deals with this question. In fact, I believe there may be several resolutions before the Congress which deal with this question.

I think it would be useful, Mr. Chairman, to enunciate as carefully and clearly as I can the administration's views on this very complex subject. On March 28 the people of El Salvador massively signaled their choice for a democratic process of elections as the method for resolving political conflict and ending the violence in that country.

They did this despite a concerted attempt by the guerrillas first to dissuade people from voting and then to intimidate them. Thus, the results of the March 28 election clearly stand as a massive political defeat for the FDR/FMLN. The guerrillas had advocated as an alternative to the elections direct negotiation of an overall division of political power, the results of which could later perhaps be submitted to a plebiscite.

In the light of the March 28 results and in view of the ongoing political process in El Salvador, it is our hope that elements of the FDR/FMLN which can accommodate democracy will now decide to participate peacefully in that process. Such a decision would be in the interests of El Salvador and we, for our part, believe that mechanisms could be found to facilitate the entry of these groups into the democratic process.

We will be prepared to be of assistance in the discussions or negotiations which might be required. However, Mr. Chairman, we remain firmly and unalterably opposed to negotiations on the division of political power in El Salvador outside the democratic process.

Mr. Chairman, that completes my summary of my statement, my attempt to provide an overview of the policy within which we have submitted our budget request for fiscal year 1983, and my comments on some of the specific resolutions now pending before this committee. I would be pleased to respond to any questions you or members of your committee may have.

Thank you.

[Ambassador Bosworth's prepared statement follows:]

PREPARED STATEMENT OF HON. STEPHEN W. BOSWORTH

Mr. Chairman, I am pleased to have this opportunity to discuss with the committee our request for security assistance for fiscal year 1983 for Latin America and the Caribbean. The Administration is requesting $326 million in Economic Support Funds (ESF), which with $274.6 million in development assistance and $183 million of Public Law 480 from the separate AID appropriation, would bring our proposed fiscal year 1983 economic assistance for the region to a total of $783 million. We are also asking for $138.6 million in funds for FMS financing and military training (IMET).

The bulk of this projected assistance is for the countries of the Caribbean and Central America. These fiscal year 1983 requests are substantially higher than those provided for in the fiscal year 1982 budget. As such, they reflect the high priority the Administration attaches to United States interests in Central America and the Caribbean. They are essential elements of an integrated approach to the economic, political, and security problems of the region.

Let me summarize briefly the overall framework of U.S. interests, analysis, and objectives within which the Administration's assistance request should be addressed.

President Reagan in his address at the Organization of American States on February 24 outlined the U.S. national interests in the Caribbean Basin region. As the President said, the "well being and security of our neighbors in the region are in our own vital interest."

Economic progress, peace, and security are in serious danger in the Caribbean Basin. Almost without exception, the countries of the region face economic difficulties of a potentially catastrophic nature. Their economies are for the most part small, fragile, and extremely vulnerable to disruption. Developments in the international economic system can seriously exacerbate long-standing internal problems. The current slowdown in the world economy is a case in point. Prices for the raw materials which are the principal exports of these countries—sugar, coffee, bananas, and bauxite—have fallen sharply. Simultaneously, most of the region is still struggling with the need to adjust to increases in the costs of essential imports, particularly petroleum. High interest rates have imposed a new burden in countries needing to borrow money or refinance existing debt. Tourism, important to many, has stagnated. Certain of the economies of Central America, particularly in El Salvador and Guatemala, have been further damaged by guerrilla-sponsored violence and the general political instability of the area.

At the same time, Cuba and now Nicaragua are both seeking to exploit the region-wide economic crisis for their own political objectives. Their instruments are anti-democratic minorities predisposed to extremism, violence and systematic armed conflict. Cuba and Nicaragua are providing political organization, guerrilla training, and other support to insurgent groups in El Salvador and Guatemala, and there are disquieting signs of their aggressive intent in several other countries.

We do not, for our part, seek to involve our neighbors in the political and military competition between East and West. And certainly they do not want to be involved. They are independent, and they hope their countries and the waters of the Caribbean can be free of international tension and conflict. They need our help to overcome economic difficulties, to defend themselves, and to keep alive their faith in freedom and democracy. With our assistance, they can manage their own affairs and find their way out of their present troubles.

The complexity and urgency of the problems which I have outlined make clear that our response must be comprehensive. It must respond to both immediate and longer-term needs, and it must address all aspects—economic, political, and security—in their separate individual requirements while recognizing that in fact, these aspects are also interdependent in important ways. The overall strategy will not succeed unless we move forward in all areas.

First, the economic: On March 17, the President sent to the Congress a set of integrated proposals for a major new program of economic cooperation for the Caribbean Basin. We were pleased that you invited Ambassador Brock and Ambassador Stoessel to present our views on the Caribbean Basin initiative at an early point in your deliberations. As you are aware, the President's program includes three major elements:

Authority to extend duty free treatment in the United States for agricultural and industrial products, except textiles, from countries of the Caribbean Basin;

Authority to extend tax incentives to U.S. investors in Basin countries; and

Substantial increases in levels of U.S. economic assistance to countries of the region, including a requested $350 million supplemental in ESF funds for fiscal year 1982.

Over the medium-term, the trade and investment authorities requested by the President will make a major contribution to the economic well-being of the region. Together with the self-help efforts of these countries themselves, we can contribute to an economic climate of expanded production, new employment, and rising exports. These measures will also convey a political message. The United States is saying in effect that the economic well-being and political health of these countries is of such direct importance to us that we are willing to extend special treatment to them on a long-term basis. Our commitment is both serious and sustained.

The President's program also recognizes that many of these countries face major short-term problems which must be addressed if they are going to be able to benefit from the trade and investment initiatives. In some countries, including El Salvador, Honduras, and Costa Rica, major balance of payments problems threaten immediately their ability to import foodstuffs and critical raw materials

for industry and agriculture. Jamaica will need increased assistance to sustain a still vulnerable economic recovery. Other countries, for example the small nations of the Eastern Caribbean, need additional assistance to develop the economic infrastructure required to capitalize on the new trade and investment opportunities.

Because of the urgency of these problems the President has requested an additional $350 million in ESF in the current fiscal year to supplement the funds already approved by the Congress. But that $350 million, vital though it is, will not be enough to meet the needs of the next few years. Therefore, we have requested $326 million in ESF for fiscal year 1983. Combined with development assistance and Public Law 480, our economic assistance for the region would total $783 million. This is a 47 percent increase over the amount budgeted for the current fiscal year. It reflects both the large and urgent needs of these countries and the high priority which the Administration attaches to our interests in the Caribbean Basin area.

A large share of our fiscal year 1983 ESF request, $105 million, would go to El Salvador. Its economy has been brought to the point of collapse by terrorism and economic sabotage directed against the country's transportation and power systems, businesses and workers. Investment has dried up and the private sector cannot even obtain the credits essential to its survival. Output declined 10 percent in 1980; and 10 percent again in 1981. With the assistance we and other donors plan for this year, this decline should be significantly reduced by the end of the year. We expect further improvement next year with the economic assistance we are requesting in fiscal year 1983.

Other major recipients of ESP would include:

$55 million to Jamaica to support President Seaga's efforts to revitalize his nation's economy.

$60 million for Costa Rica, to help that country address one of the most severe crises in its history.

$25 million for Honduras to help bolster confidence and provide critically needed credits to the struggling private sector.

$30 million to the Eastern Caribbean to stimulate economic activity and generate employment.

Second, the political: The Caribbean Basin is not, as some suppose, a region of repressive, right wing military dictatorships. Of the 24 governments in the Basin, not including the United States, 16 have democratically elected governments. Support for the establishment and consolidation of democratic institutions is a central element of our approach. Not just because it is our own system of government, but also because we believe it is the system best able to produce social justice, economic progress, and political stability in the Caribbean Basin itself.

We have been encouraged by last year's electoral success in Honduras. We were similarly heartened by February's peaceful elections in Costa Rica as the people of that country demonstrated again the strength of their commitment to democratic institutions. Now the Dominican Republic is preparing again for elections, extending the democratic achievements made during the last generation.

In Guatemala, the military coup last month may have ended the political paralysis which had gripped that country. It was led by junior officers apparently seeking to give the Guatemalan people a better government. General Rios Montt, who has emerged as leader of the junta, was the presidential candidate of the Christian Democratic coalition in 1974. Since the coup, violence not directly connected to the insurgency has been brought virtually to an end. Concrete measures have been taken against corruption. All political forces have been called to join in national reconciliation. We are watching these developments closely. We hope that the new government of Guatemala will continue to make progress in these areas, and that we in turn will be able to establish a closer, more collaborative relationship with this key country that faces both economic difficulty and an active Cuban-supported insurgency.

In El Salvador, the elections of March 28 were a fundamental first step in the democratic process, but it was only the beginning. Discussions are now underway among the political parties concerning the organization of a new provisional government and the launching of the work of the newly-elected Constituent Assembly. That newly-elected Constituent Assembly must carry forward political reform, and, importantly, establish procedures for the election of a President.

Discussions on the composition of the provisional government and the actual form of the political reforms are ones which can only be made by the Salvadorans themselves. For our part, we have made clear our desire to continue to support El Salvador in their programs of economic recovery and in their battle against

the guerrillas of the extreme left. We have also made clear, however, that our continued support must not be taken for granted. In particular, we have emphasized our expectation that the new provisional government will carry forward political and economic reform, including land reform, and continue to make substantial progress in controlling violence.

I would like, Mr. Chairman, to say a word here on the question of negotiations. On March 28, the people of El Salvador massively signaled their choice for a democratic process of elections as the method for resolving political conflict and ending the violence. They did this despite a concerted attempt by the guerrillas first to dissuade people from voting and then to intimidate them. Thus, the results of the March 28 election clearly stand as a massive political defeat for the FMLN/FDR. The guerrillas had advocated, as an alternative to these elections, direct negotiation of an overall division of political power, the results of which could later—perhaps—be submitted to a plebiscite.

In light of the March 28 results and in view of the on-going political process in El Salvador, it is our hope that elements of the FMLN/FDR which can accommodate to democracy will now decide to participate peacefully in that process. Such a decision would be in the interests of El Salvador. We for our part believe that mechanisms could be found to facilitate the entry of these groups into the democratic process. We will be prepared to be of assistance in the discussions or negotiations which might be required. However, we remain firmly and unalterably opposed to negotiations on the division of political power in El Salvador outside the democratic process.

Third, security: Freedom and prosperity are impossible without security. The purpose of our FMS and IMET programs is quite simply to help small countries defend themselves against an immediate threat. Many of our neighbors have neither the resources nor a long-term need to develop and maintain large military establishments. Faced with a sudden threat, they need help in the form of equipment and training from friends.

We do not believe that only the strong should be secure. With appropriate help, our neighbors all have the capability and will to turn back outside threats. They do not want us to do their fighting for them. That would not serve anyone's interest, and is not needed. All they ask is to be provided the training and equipment they cannot afford.

We are requesting $125.3 million in FMS financing for fiscal year 1983. To keep this in perspective, I would note that this is less than two percent of our global FMS program. The increases over our request last year are largely for El Salvador, Honduras and Jamaica. We are again requesting a portion of the FMS—$75 million—in direct concessional credits for those countries facing severe economic problems and where high interest guaranteed loans would further add to their heavy debt burden.

About one half of our FMS request for the region—$60 million—is for El Salvador. Fifty million dollars of this is being requested on concessional terms. This program is critically important to provide the resources to enable the Salvadoran Government to protect the peoples' right to choose their own future and carry forward the important economic, political and social reforms underway. Our military assistance program is designed in part to enable the Salvadoran armed forces to employ small unit tactics, considered more effective against the guerrillas and less likely to cause casualties among non-combatants in the battle zone. The growing effectiveness of El Salvador's armed forces was evident in the exemplary way in which they turned back the guerrillas effort to launch a major pre-election offensive. They protected voters, polling places, and election officials from guerrilla attacks and harassment last March 28.

We are also seeking an increase in our FMS program for Honduras to $14.5 million, $9 million of which would be on concessional terms. The democratic Government of Honduras is threatened by the illegal use of its territory by those supporting the insurgencies in El Salvador and Guatemala as well as by the unprecedented military buildup in Nicaragua. Honduras needs additional help to develop its transportation, patrol and communications capabilities to defend itself from these threats.

Elsewhere in the Caribbean Basin, we are requesting an increase in our program in Jamaica—$6.5 million in concessional credits—to help the democratic, pro-western Seaga government modernize its defense force to deal with potential subversion and to protect its coastal waters from illegal traffic. We are also seeking concessional credits and training for the small democratic states of the Eastern Caribbean to improve their coast guards.

Finally, a small part of the FMS program is for South America. We propose $12 million for Colombia and $6 million each for Peru and Ecuador to enable them to meet essential military needs.

Our request for $13.3 million in IMET includes 23 country programs and our regional program for the Eastern Caribbean. We believe that training and education under the IMET program will strengthen the professional qualities of defense forces, improve our military to military relations, and ensure continued orientation toward U.S. doctrine and security goals. We have asked for $250,000 in IMET for Guatemala in the expectation that conditions there may improve sufficiently for us to consider a small training program.

Cooperation: The strategy I have outlined cannot rest on our efforts alone. We neither can nor should try to carry the burden by ourselves. Solutions designed exclusively in Washington are not desired, and would probably not work. Our response must be in cooperation with our neighbors.

We find today a consensus among the nations of the hemisphere over the danger of foreign intervention, the importance of democracy and free market policies, and the need to take collective responsibility.

At this point, Mr. Chairman, I would like to make some remarks on our policies toward Nicaragua and Cuba.

Over the past several months, we have tried to establish a dialogue with Nicaragua. As members of this Committee are aware, the United States is acutely concerned by several of the policies and activities being pursued by the Sandinista Government. First and foremost, like countries in the region themselves, we are concerned by Nicaragua's continuing large-scale support for the guerrillas in El Salvador and its similar activities in other Central American countries. This, together with Nicaragua's extraordinary arms buildup and the large-scale presence of Cuban military advisers, is the fundamental cause of tension within the region.

On April 8, our Ambassador in Managua conveyed to the Nicaraguan Government several proposals which would address our concerns and, we believe, address the alleged concerns of the Sandinistas. On April 14, the Nicaraguan Ambassador in Washington presented to us a response. We are now evaluating that response and expect to decide soon our possible next steps.

I would stress, however, as we have stressed to the Nicaraguans that no progress is possible in the areas of our relationship of concern and interest to them unless and until they cease their active support for insurgencies in the region.

In the case of Cuba, we continue to oppose fundamentally all efforts to export subversion and terrorism in Central America and the Caribbean. In this connection, Senator Symms has introduced a resolution reaffirming the resolution adopted in 1962 on the U.S. determination to oppose the efforts of Cuba to expand its sphere of influence. The resolution, which is scheduled to be considered by the Committee, reflects the policy of six administrations, certainly this one. As we told Senator Symms, we have always endorsed the thrust of his resolution. While we supported the tabling motion on the Senate floor, we did so only because we believe it was appropriate that the resolution be fully addressed in committee before coming to the Senate floor. After it has been given the appropriate committee consideration, we fully intend to support the Symms resolution.

We will not accept that the future of the Caribbean Basin be manipulated from Havana. Support for self-determination and democracy was evident at the OAS meeting in St. Lucia, and in the hemisphere's wide support for the elections in El Salvador. It was evident in the formation this year of the Central American Democratic Community by Costa Rica, Honduras and El Salvador to cooperate toward the common goals of economic development, democracy and mutual security against outside threats.

The momentum for greater cooperation is in our interest and we will seek to strengthen and widen it. That is why we have joined Colombia and Venezuela in supporting the Central American Democratic Community. This was the spirit in which we discussed with Mexico, the proposals of the Mexican President aimed at reducing tensions throughout Central America.

The Caribbean Basin program is in many ways a model of the type of regional cooperation we seek. The overall program and the U.S. contribution to it was developed over a period of some eight months of intensive consultations and joint analysis. The United States, Venezuela, Mexico, and Canada, later joined by Colombia, recognizing our common interest in the economic health of the region, are each undertaking major efforts under a common set of objectives. This, at bottom, is what we are asking the Congress to support: programs that will make cooperation possible in support of an emerging democratic consensus among our closest neighbors.

The CHAIRMAN. Thank you very much. Mr. Michel, are there any comments that you would care to make at this time?

Mr. MICHEL. No, Mr. Chairman, I have no comments.

The CHAIRMAN. Thank you. Senator Pell, do you have an opening statement that you would like to make?

Senator PELL. Thank you very much, Mr. Chairman.

Mr. Chairman, although the Falkland Islands issue seems to have pushed El Salvador and several other Central American issues off the front pages, that area is of no less concern than it has been. The relative quiet of the past few weeks on news from El Salvador is disconcerting when we realize that we are at a crossroads in our relationship with that nation.

If the moderate forces in El Salvador are relegated to a minimal role—and that seems to be what is happening at the moment—and the rightest forces opposed to real reforms prevail, there will be many in Congress who will want to end the supportive role of the United States for that nation. Unless the new government moves quickly to end human rights abuses, completes the land reform program at an early date, and engages in open negotiations with the guerrilla forces, I believe we should stop all military assistance. The administration must put its weight behind the mechanism of peaceful negotiations to the conflict in El Salvador.

Furthermore, I am concerned with the administration's position on the entire regional negotiating process. For example, what is the nature of the discussions between the administration and Cuban officials? Are they being taken in the realization that Cuba is a key factor in the region and should be dealt with on those terms? Are we ready to have concrete discussions on bilateral issues that have festered for over 20 years?

And is the administration serious about conducting concrete talks with Nicaragua, or is it determined that Nicaragua will be turned into another mini-Cuba and produce the very thing it is trying to prevent, the spread of communism throughout Central America and the Caribbean?

I hope by the end of this hearing the American public will have a clearer idea of the administration's policy in Central America. Thank you.

The CHAIRMAN. Thank you, Senator Pell. We will go on a 10-minute rule, then, for questions and comments.

I would like to first comment on your own testimony, Ambassador Bosworth.

Senator ZORINSKY. Excuse me, Mr. Chairman. Will there be any other opening statements?

Mr. CHAIRMAN. Oh, yes, of course. I would be happy to have you as the ranking member of the subcommittee and Senator Dodd make any opening comments you wish. Please go right ahead.

Senator ZORINSKY. Thank you, Mr. Chairman. This hearing will provide us with an opportunity to focus on the important issues facing us in Central America—issues which seemingly have been forgotten because of the Falkland Islands crisis.

At this particular juncture it is especially important that we explore U.S. policy in the region. There are many issues with which to deal and many questions bearing on policy to be asked. The issues are headed by a negotiated political settlement in El Salvador and include others such as negotiations to resolve regional tensions, the policies of

the new government in El Salvador, developments with regard to Nicaragua and Cuba and other nations in the region such as Honduras and Guatemala.

These issues precipitate many questions. My principal one is what is our policy. Which of the news stories, official or unofficial leaks, or other speculation should we believe? Should we believe that the administration is interested in a negotiated settlement in El Salvador and is interested in talking with other nations in the region as a way to achieve ultimate peace? Or should we believe the stories that say the administration is only paying lip service to the negotiation issue to satisfy President Lopez Portillo of Mexico and to keep the Congress off its back?

Should we give credence to the theory which says that while the administration talks about negotiations in Central America it is really moving toward implementing the options about which we have read so much since last fall? These are options under which the use of force has not been ruled out. Is the $19 million covert activity program reported in the news several weeks ago one of the options that the administration has been considering over these several months?

For 2 years we have read white papers, heard strident accusations against Nicaragua's support for the guerrillas in El Salvador, and the urgent need to do something about it. Now we are being told that maybe it is not the right time to deal with Nicaragua and we are too busy with the Falkland Islands anyway.

Mr. Chairman, I was appalled this morning when I saw a picture in the New York Times that was brought to my attention. The picture showed very young people in Honduras. Although their backs were to the photographer, it described them as youngsters and these individuals had to be, in my estimation, midgets, jockeys, or children—one of the three—and I am sure they would not have been identified as youngsters if they were not.

Cannot this country find adults for our military advisers to train in Honduras? I would hope that our country has not come to the point now where we are going to have to subvert young people, youngsters of the age pictured in that New York Times issue today, to initiate them in this type of training as part of the process of pursuing our foreign policy in that part of the world.

The Times claimed that we are training these youngsters to be paratroopers. I would call that picture graphically representative of what I feel is causing people in Latin America to grow up looking at Americans as imperialistic. Quite frankly, that photo may explain our not having enough adults to train in that part of the world. I hope that we have not run out of adults to train in that part of he world.

Mr. Chairman, I would like to insert that article and picture into the record.

[The material referred to follows:]

[From the New York Times, Apr. 20, 1982]

UNITED STATES IS LOOKING TO THE HONDURANS TO HOLD THE LINE

(By Alan Riding)

TEGUCIGALPA, HONDURAS.—With leftist revolutionaries ruling Nicaragua and Marxist guerrillas vying for power in El Salvador and Guatemala, the United States seems anxious to convert Honduras into a buffer against the spread of Communism in Central America.

The Reagan Administration has warned Honduras that it is likely to be the next target of leftist agitation in the region and has stepped up military aid and advice to the Honduran Army. It has also promised to protect this country in the event of open hostilities with Nicaragua.

But many local politicians fear this policy could embroil Honduras in Central America's troubles for the first time and polarize political opinion in a country that, although the poorest on the American mainland, has until now enjoyed considerable stability.

The Government of President Roberto Suazo Córdova also reportedly feels that the country's first civilian government in a decade is being weakened by Washington's emphasis on military rather than economic aid and it has opened a regional peace initiative in the hope of insuring Honduras's neutrality in any broader Central American conflict.

ARMY AN ALLY OF UNITED STATES

But the Reagan Administration has found a strong ideological ally in the Honduran Army, which, alarmed by the military buildup in neighboring Nicaragua, seems happy to act as an American proxy in the area in exchange for assistance in building up its own strength.

The head of the Honduran armed forces, Col. Gustavo Alvarez Martinez, an Argentina-trained officer much admired by the Pentagon, has warned that Honduras is facing "aggression from Russia through Cuba" and that Nicaragua poses a threat to this country.

Colonel Alvarez and three senior officers paid a secret visit to Washington in March for talks with the Joint Chiefs of Staff and Deputy Defense Secretary Frank C. Carlucci during which they requested 12 F–5E jet fighters and heavy artillery. Military sources here said that United States officials had argued that Honduras could not afford the $120 million price tag on the aircraft, but agreed to study the request.

In the meantime, United States military aid to Honduras has doubled to $10.8 million this year, and a further $5 million has been requested for fiscal 1983. The number of United States military advisers here has risen sharply in the last year and, while so-called mobile training teams stay only from 60 to 120 days, 95 United States advisers were in Honduras in March, the most at one time.

U.S. HELP IS ACCEPTED

The United States has also offered to spend $11 million on extending and improving three Honduran airport runways so they can handle large United States military transport planes and jet fighters. Honduras has accepted the offer and Colonel Alvarez noted that he would welcome American combat troops into the country in an emergency.

Washington's original purpose in helping to modernize the Honduran armed forces was to close this country's border with El Salvador to the movement of leftist guerrillas and illegal arms traffic.

But in recent months, Washington's attention has turned increasingly to Honduras's relationship with Nicaragua—not only to the potential threat of external attack and internal subversion posed to Honduras by the Sandinist regime in Managua, but also to anti-Sandinist exile groups operating from Honduran territory.

In Tegucigalpa, it is difficult to confirm United States press reports that the Central Intelligence Agency has decided to work with Argentina in building up a paramilitary force capable of attacking Cuban targets in Nicaragua destabilizing the Sandinist Government.

FREQUENT RAIDS INTO NICARAGUA

But the Honduran Army makes little effort to disguise its own collaboration with Nicaraguan exile groups that launch frequent attacks into Nicaragua from camps near Honduras's southern border.

Although the whereabouts of these camps is well known, none have been dismantled by the Honduran authorities. Rather, according to diplomatic sources, the Honduran Army provides exile bands with training and ammunition, while Honduran military patrols have occasionally protected rebel units fleeing back to this country, prompting clashes with Sandinist soldiers.

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Further, the Honduran Army is believed to have concurred with Argentina's decision to provide covert training and financing to anti-Sandinist groups. Two Argentine officers are now giving courses at the Honduran Command and General Staff College but at least a dozen Argentine officers are working with exile bands, having arrived here in the guise of businessmen.

Newsweek/Marin Bah

Near Tegucigalpa, an American military adviser works with two Honduran youngsters who are being trained for future assignment as paratroopers.

The "counterrevolutionaries," as the Nicaraguan regime calls them, are estimated to number 1,000 to 2,000 men in arms, although their effectiveness has been weakened by bitter squabbling among the four main groups: the National Liberation Army, headed by Pedro Ortega, a Spanish-born businessman; the 15th of September Movement, made up mainly of former national guardsmen from the ousted Somoza regime; the Nicaraguan Democratic Movement, which includes many foes of Gen. Anastasio Somoza Debayle who became disenchanted with the Sandinists, and Miskito Indian rebels who are active in border regions near the Atlantic coast.

Nicaragua is alarmed by the incursions, but military analysts here believe the exiles pose no serious threat to the Sandinist regime and have instead focused on the dangers of a direct conflict between Honduras and Nicaragua.

Relations between the armies of the two countries are marked by deep distrust, with each feeling threatened by the other and both arguing that their arms buildup is justified.

Nicaragua has a standing army of some 26,000 soldiers plus a 40,000-strong militia, while the Honduran armed forces number only about 14,000 men. But the Honduran Army is better equipped and its air force is reputed to be the best in Central America.

The peace initiative opened by the Suazo Córdova administration in March called for general disarmament throughout Central America. But while it seemed aimed largely at Nicaragua, local politicians said it also had the objective of curbing the "militarization" of Honduras itself.

ARMY'S POWER APPEARS TO GROW

Although Gen. Policarpo Paz Garcia surrendered the presidency to an elected civilian on Jan. 27 this year, the army's real power seems to have grown under the strong leadership of Colonel Alvarez, who is viewed by Washington as the key political figure in Honduras.

The main fear of many pro-Government politicians is that Colonel Alvarez's strong anti-Communist campaign may have the effect of dividing a society that has so far avoided both the rightist repression and leftist terrorism of its three immediate neighbors.

Four small guerrilla groups are occasionally active here, but they enjoy little popular support. United States officials maintain that hundreds of young leftists have been trained in Cuba and Nicaragua over the past year and that the Moscow-line Honduran Communist Party, which long opposed the armed struggle, recently replaced its old guard leadership with committed revolutionaries.

"This place is too vulnerable and disorganized to play the role it is being assigned by Washington," a knowledgeable Western diplomat said. "You're pushing Honduras into the line of fire. You can't destabilize Nicaragua any more from here without also destabilizing Honduras."

Senator ZORINSKY. Mr. Chairman, I am confused by the contradictions in our so-called policy in Central America. I hope that Deputy Assistant Secretary Bosworth will clearly state the administration's policy so that we and the American people can begin to understand it. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Zorinsky. I promised a wide-ranging hearing and I think we will have one. Senator Dodd, do you have any comments to make?

Senator DODD. I will wait, Mr. Chairman. thank you.

The CHAIRMAN. Very well. I would like to comment on Senator Symms' resolution. I worked to table that and I am glad we did, but I feel, as you do, that we ought to deal with it in the context of this series of hearings, as I and others promised.

I was delighted to see you emphasize the administration position with respect to the El Salvador situation and to reemphasize what I think we all will reemphasize, that economic reform, including land reform, and the continuation of substantial progress in controlling

violence is absolutely essential as a goal and objective of any government they select down there.

Finally, I wonder if you could expand on a statement in your prepared testimony, that we do not, for our part, seek to involve our neighbors in the political and military competition between East and West. You do not go on to expand on that, but I am sure it is in there because we all have the perception that somehow Latin American countries have the feeling that they are being caught in the crossfires of an East-West conflict and much of our policy is designed as a means of being an anti-Soviet gesture rather than one genuinely devoted to their well-being.

That is why the Caribbean Basin Initiative was a very good one. Would you care to expand on your thinking on the perception that countries have the feeling that they are being caught in this crossfire and what we intend to do to not put them in that position if it is at all possible?

Ambassador BOSWORTH. Mr. Chairman, you are quite accurate. Countries in the region do, at times, have the perception that they are an unwilling participant in the global struggle. I think at times that perception is all too accurate.

It is the desire of this administration and, I think, of our country as a whole not to see this region torn any further in that sort of situation.

It is for that reason, Mr. Chairman, that the administration has placed such heavy emphasis on the need to assure that these countries have available to them the resources and the means to themselves address their underlying economic, social, and as a result of that, political problems.

We do not believe that the prescription for the resolution of those problems should be imposed from outside, certainly not from the East, nor, in fact, from our country.

I think that is one of the hallmarks of the Caribbean Basin Initiative. It is not a program designed in Washington. It is a program which was designed as a result of a very intensive and long consultation with the countries concerned, and many elements in that program reflect very directly what we learned as a result of those consultations and what they suggested to us might be most useful to them.

At the same time, Mr. Chairman, we cannot ignore the fact that our desire that this region not be a site of East-West confrontation is obviously not shared by other participants in this exercise. In particular, it is not shared by Cuba and increasingly it seems not to be shared by Nicaragua.

So as I indicated, we believe it is absolutely essential that at the same time we are attempting to address the economic and social problems, that we insure that these countries have the ability to defend themselves, which is what they want to do. They do not want others to defend them. They want to be able to defend themselves.

The CHAIRMAN. Thank you very much.

I would like to direct my next question to El Salvador. And I do so saying the same things really that I said on the floor of the Senate: that we are not trying to get into the sovereignty of any country, but if they come to us and want us to bankroll them to help them in their

economic and military support programs, we have to lay down conditions to those grants or loans.

I talked to Ambassador Hinton on the telephone Saturday. He is our Ambassador there. I think it might be useful to put on record how we feel about the situation, because we are being called on for leadership, assistance, and help in that area.

The Christian Democrats received 40 percent of the vote. They received more than any other party. There is a chance that they might be dealt out of the government. I would say, speaking for myself, not for every member of this committee but certainly I think for a consensus—a majority of this committee—that any government in El Salvador that does not include the Christian Democrats, that does not seek to bridge political differences in the interest of national unity and peace will not be credible to the Congress and cannot expect the kind of support that they would be looking to us for.

And the government down there, and the assembly, should fully understand that. I say it as unequivocally as I possibly can. Support for El Salvador will be seriously jeopardized if the government is not a credible government and if it is not perceived to be committed to pursuing the reforms initiated by President Duarte's government.

The Congress has made it clear that continued U.S. aid is conditioned—is absolutely conditioned—on progress over time in the implementation of those social and economic reforms.

Now, that is the way the Congress feels. And I know that my distinguished colleagues here, and particularly Senator Dodd, who helped author a great deal of that legislation, feel strongly about this.

For the record, could you indicate what our Embassy position is in El Salvador? What are they doing to communicate our concerns to the El Salvadoran political leaders? And is there any hope that the leadership, if they expect to get assistance and help from the United States in any way, manner, shape, or form, are well aware of the strongly held views of the Congress of the United States?

Ambassador BOSWORTH. Mr. Chairman, I think it is our conclusion that the political leaders of El Salvador are aware of the political views which exist in this country, and particularly in the Congress and the administration on these very important questions which you have raised. I would like to say, first, that we welcome the statement you have just made which, given your position as chairman of the committee, is a very powerful expression of congressional attitudes and views on this very important subject.

For the administration, I would say that we have made clear in public statements, and we are making clear in our diplomatic exchanges with officials in El Salvador, our hope that the discussions currently under way among the various political parties will result in a government which the United States people and Congress can strongly support; that is, a strong government of national unity, firmly committed to the effective implementation of political and economic reforms and of the control of violence in that country.

The CHAIRMAN. Do you have the feeling, as I do, that that is the only form of government, a coalition of national unity, that will reflect the attitude of the million-and-a-half people that poured out in

that election; that that is the only chance that the government that they elect has to survive?

Ambassador BOSWORTH. I think it is our view that it is very essential that they have a government of national unity. This is a time at which the Salvadoran people, having in our view clearly expressed their commitment to democratic institutions as a means of resolving political conflict and violence in that country, now deserve to see a government of unity drawn behind them to provide the guidance necessary.

I would add, of course, Mr. Chairman, that we should not ignore the very important role which will be played in El Salvador by the Constituent Assembly, which has now been elected and which will be taking office fairly soon. That Constituent Assembly will be the primary vehicle for the continuation of the process of political reform in that country and importantly for the organization of the next stage of the electoral process.

The CHAIRMAN. Many have argued here that, after the March 28 elections and the message of repudiation of the guerrillas' call to armed conflict that the voters sent on that day, it is now time to begin negotiations with the opposition to end the fighting and to bring them into the political process.

Now, what is the Department's position on negotiations? Are negotiations feasible in the present political climate in El Salvador? Is there a possibility that negotiations will be viable in the future? And if so, what conditions will have to prevail?

Ambassador BOSWORTH. Mr. Chairman, I attempted to address that question to some degree in both my written statement and in my oral summary. Let me say that the administration's position continues to be that we oppose the concept of direct negotiations on the sharing of political power, negotiations that would occur outside the ongoing political process in El Salvador.

However, Mr. Chairman, it would be our hope that, given the very massive repudiation of the guerrillas which I think is one of the firm conclusions to be drawn from the results of the elections, and given the fact that the electoral process is now underway, the process of political reform, we would hope that there may be some elements who are now in the FMLN/FDR who, assessing both what has happened in the recent past and assessing what will be happening in the future, will decide that it is in their interest to participate peacefully in this ongoing process of political reform.

And as I indicated, it would be the administration's hope that this will happen. And we remain, for our part, willing to provide whatever facilitation might be appropriate to insure that those elements could participate in the ongoing political process.

The CHAIRMAN. Thank you very much.

Senator Pell.

Senator PELL. Thank you, Mr. Chairman.

The article in today's New York Times not only contains a picture cited by Senator Zorinsky of these two 12-year-olds being trained to be paratroopers, or maybe they are 13-year-olds. But in the text of the article is mentioned the fact that the United States is moving ahead with the extension and improvement of the three Honduran military runways. The Department, and I know you, Mr. Bosworth, and Secre-

tary Haig, are well aware of my own view with regard to the wisdom of moving in that direction of enlarging military bases or military facilities there for use by the United States.

Could you explain for the committee's benefit why the administration is conducting this policy which really would deepen our involvement in Central America and which is obviously very threatening to Nicaragua? I think we would be very concerned if the Soviet Union were building three airstrips in Canada, Cuba, or Mexico.

Ambassador BOSWORTH. Thank you, Senator. I would respond——

Senator PELL. Allow me to correct myself. I do not mean build three airstrips but enlarge three airstrips.

Ambassador BOSWORTH. Well, thank you. I would respond by saying, first, that we are still continuing our negotiations with the Government of Honduras over an agreement which would permit this construction to take place. Those negotiations have not yet been completed. We have hopes that they will be completed in the near future.

Second, the construction envisaged is rather simple construction which would simply involve the lengthening of runways, the provision of some logistical facilities, et cetera. We do not envision the deployment of American units to those airstrips.

Third, Mr. Chairman, I would point out that one must also be aware of Honduran perceptions as well as Nicaraguan perceptions.

The Honduran perceptions, I would submit, are somewhat affected by what they see now occurring in Nicaragua, particularly the lengthening of runways, the construction of revetments, the carrying out of a number of activities which, in our view, are quite clearly designed as preparations for the receipt by Nicaragua of advanced jet interceptor aircraft, which would very perceptibly change the military balance in that region of the world.

So I think one must be alert and aware of Honduran perceptions. And this is designed to demonstrate U.S. commitment to the stability of the region.

Finally, Senator, I might comment on the photo that appeared today in the New York Times. First of all, I would submit that those could be either two very small Hondurans or one very large American.

Senator PELL. Maybe they put Mr. Enders in uniform. [General laughter.]

Ambassador BOSWORTH. No, sir, it is not Mr. Enders in uniform. [Laughter.]

Senator PELL. In connection with this, in the text of the article it says Honduras has accepted the offer and that Colonel Alvarez has noted he would welcome American troops into the country in event of emergency. So the negotiations that are going on at least have already been agreed upon in principle, or so I would gather, in the negotiations. Am I correct in assuming that we have access rights?

Ambassador BOSWORTH. Yes, we are seeking some limited access rights. I hesitate to try to delineate very specifically what those access rights might be, given the fact that the negotiations are still going on.

But, yes, we would envision access rights for limited purposes.

Senator PELL. In your view, is the purpose in doing this more for the protection of Honduras, or is it to bring more pressure to bear upon Nicaragua?

Ambassador BOSWORTH. It is for the protection of Honduras, Senator.

Senator PELL. How do you think the Nicaraguans perceive it?

Ambassador BOSWORTH. That is a question I think best asked of the Nicaraguans. I would submit that the Hondurans have clearly reacted with some nervousness to what they see happening in Nicaragua.

Senator PELL. Has Nicaragua sent you a note in this connection or made any protest or not?

Ambassador BOSWORTH. No, Senator, not that I am aware of.

Senator PELL. Is Honduran President Suazo Cordoba pushing for a closer relationship with the United States at this time or not?

Ambassador BOSWORTH. Well, we have a very close relationship, and I think a very good relationship, with the Government of Honduras both on a bilateral basis and increasingly in a multilateral context. As you are aware, Senator, Honduras, El Salvador, and Costa Rica in January moved to form a new entity called the Central American Democratic Community, which has received very strong political support not only from the United States but from Colombia and Venezuela.

We appreciate very highly our relationship with Honduras. We have an economic assistance program in Honduras. We have what is by all regards a rather modest but nonetheless, we believe, quite important security assistance relationship with Honduras as well.

Senator PELL. Would you agree that three conditions have to be met as a sine qua non for extending military assistance to El Salvador, the three that I mentioned in my opening statement: One, that human rights abuses have to be gotten hold of; two, that the land reform must continue; and three, that there must be some negotiations with the leftists?

No matter what the view may be of the administration, I would think it is pretty obvious that the Congress will not approve legislation unless these three conditions are met. I was curious if the administration shared this view and this thought.

Ambassador BOSWORTH. Well, certainly, Senator, there is no distinction whatsoever between those views and the views of the administration with regard to the first two of those points that you enumerated, human rights and land reform. I would add there, I believe usefully, the process of political reform as well, reform in the electoral process, et cetera.

I sense, however, to be quite candid, that there is some difference of view—perhaps a difference of analysis would be a more accurate statement—with regard to the subject of negotiations. I attempted to address in my testimony this afternoon the administration's view on the question of negotiations.

Quite simply put, negotiations within the existing, ongoing, evolving political process, yes, we would hope to see those come about. Negotiations outside that context, on the division of political power, no. That is the firm view of the Salvadoran Government. It was the firm view of the great and overwhelming majority of Latin American countries as they expressed their views on this very important subject in the OAS General Assembly meeting in St. Lucia, when they very firmly endorsed the process of elections as an alternative to the process of direct negotiations on the sharing of power.

As I indicated, Senator, it was our hope that there may well be some elements within the FMLN/FDR who, given what has happened in the elections and taking account of what is going to be happening within the political process, will decide that it is in their interest to join that process.

However, I think, Senator, we should not be under any illusions as to the likely behavior of some of the major elements of the FMLN/FDR. I refer here to those who are long-time advocates of a principle that they describe as the "prolonged war."

And I think we should not be under any illusion that they are suddenly going to be converts to the philosophy of democracy and agree that they will submit their fate to the process of democratic elections. They have not been willing to do so thus far, and given what they have said and given the way they are behaving, I do not think we should be under any illusions that they will do so in the future.

That is not to say, however, that there may not be some elements within that rather amorphous grouping who will decide that participation in the democratic process is in their interest.

Senator PELL. Let me return to the first two points. I am delighted at what you said, that the administration shares the view that military assistance should not be extended to the Government of El Salvador unless they get a grip on human rights and unless the land reform process continues. Is that correct?

Ambassador BOSWORTH. Senator, both of those conditions that you enumerated are, in fact, already conditions of existing law. And we recognize them as such.

Senator PELL. I think some of us question whether the human rights provisions have been fully implemented. What, in this regard, does the record show as being the amount of deaths since the election? Do we have those figures, by any chance, or an estimate?

Ambassador BOSWORTH. We may have some figures, which I would be happy to submit for the record. I do not have them at my fingertips. I would say that, in general, there was a trend in the weeks leading up to the elections, as the guerrillas were seeking quite obviously and quite openly to disrupt the election process, there was a slight upward trend in the incidence of violence. I believe that that trend has now leveled off, and we believe that it will continue the trend of improvement, which we certified as having been present in January when we made the certification.

We have, of course, another certification approaching within the next 3 months.

[The information referred to follows:]

POLITICAL VIOLENCE IN EL SALVADOR SINCE THE MARCH 28 ELECTIONS

[SUBMITTED BY THE DEPARTMENT OF STATE]

We have figures for only the first two weeks after the elections. They show a decline from the pre-election period when the guerrillas quite obviously and openly sought to disrupt the elections by violence. During the first quarter of 1982 violence claimed, on average, at least 83 lives each week, according to our Embassy's reports. After the elections the two weekly totals we have so far show 72 deaths in the week March 27–April 2 and 60 deaths in the week April 3–9.

Senator PELL. Thank you. My time has expired.

The CHAIRMAN. Thank you, Senator Pell.

Senator Symms, we are very pleased to welcome you. I am going to ask you to follow Senator Dodd.

Senator SYMMS. Thank you, Mr. Chairman.

The CHAIRMAN. Secretary Bosworth has already commented on the Symms amendment, and I have commented that we committed to you a full hearing on it. We certainly will incorporate it into our consideration as we mark this up, but we did not feel the timing of your amendment last week at a time before our hearing, was appropriate. And for that reason, I had to work to table your amendment. But we will give it full consideration.

I am delighted to have you here for questions that you might want to put in just a moment.

Senator Dodd.

Senator DODD. Thank you, Mr. Chairman.

Mr. Bosworth, I note again here as we have seen over the past several weeks some rather strident rhetoric regarding Cuba and Nicaragua and their activities in Central America.

Are there any Cuban combat troops located in any Central American country in a combat posture that you are aware of, outside, obviously, of their own country?

Ambassador BOSWORTH. Organized as organic units? Not that we are aware of, Senator.

Senator DODD. What about Nicaraguan combat troops outside of the borders?

Ambassador BOSWORTH. Nicaraguan combat troops outside of Nicaraguan borders, well, there are, as we are all too aware, individual Nicaraguans in El Salvador.

Senator DODD. Have you found any new ones lately?

Ambassador BOSWORTH. But we have no evidence that there are organic units of Nicaraguan troops operating in El Salvador.

Senator DODD. My point in bringing that up is this: I am not carrying a brief for Cuban and Nicaraguan activities to the extent that they exist in Central America, but we have been, to say the least, roaring like a lion when it comes to Cuban and Nicaraguan activities, to the extent they exist. And yet we now wear the wings of a dove when we are confronted with Argentine aggression in the Falklands.

Where is there any consistency in the administration policy? You are acting awfully benign when you have a violation of every known rule of international law on the part of one country in South America where you have combat troops aggressively taking over another country or at least part of another country against the will of those people, and yet we hear no real strident comments on that at all? Where is the consistency in that?

Ambassador BOSWORTH. Senator, I am really not in a position to address today, for reasons that I think are obvious——

Senator DODD. Do we agree with the Argentine policy?

Ambassador BOSWORTH. Senator, our views on that particular incident are firmly on the record in the form of our vote in favor of U.N. Resolution 502, which deplored the Argentinian action and which called for a withdrawal of Argentine forces and called upon both parties to try to resolve their difference peacefully.

Our Secretary of State has been exhaustively engaged in the last 2 weeks trying, for our part, to help implement the terms of that

resolution. But I am not really in a position to comment in any detail whatsoever on U.S. views on that particular subject, for reasons that I think you will well understand.

Senator DODD. I can understand the fact that the administration is trying peacefully to resolve that situation and to act as an arbiter in that situation. It is not something that I disagree with.

My problem, I suppose, is that while we seem to find it worthwhile in that instance to act in a responsible fashion, if you will, although I do think we could have been a lot more critical publicly than we have been about Argentina, I am a little surprised that we have not decided to use those same good offices in trying to achieve peace in other parts of the region.

Ambassador BOSWORTH. I would simply reply, Senator, that I believe we are behaving in a manner which is consistent with the underlying thrust of your remarks. As you are aware, we have been attempting over the last 8 or 9 months to establish a dialog with the Government of Nicaragua within which we could examine the points of our concern and which would give them an opportunity to raise with us the points of their concern.

Earlier this month our newly arrived Ambassador in Managua, presented to the Nicaraguan Government a comprehensive series of proposals which were designed to establish such a dialog.

As you are aware, we have now received a response from the Nicaraguan Government. I would not want to characterize that response other than to say that it was, to a large extent, procedural rather than substantive. However, it is our intent to continue to pursue this effort. And we would expect within the next several days to do so.

Senator DODD. Let me get to Nicaragua in a minute.

I am quoting from your prepared statement here this afternoon about El Salvador and negotiations. I would like to use that example as the immediate point of inquiry. In terms of using good offices to try to achieve peace or to try to prevent violence, you say that we are prepared to be of assistance in the discussions or negotiations which might be required. However, we remain firmly and unalterably opposed to the negotiations of the division of political power in El Salvador outside the democratic process.

Now, I do not know whether I am trying to read into that at all, but I find a sliver of hope in that statement for two reasons. One, that we are certainly willing to use our good offices in helping to achieve negotiations—correct me if I am overreaching this—but we are not going to be the ones to call for negotiations or to insist upon negotiations. That is one point.

Second, you rule out negotiations on the division of political power, but not necessarily negotiations. Is that the administration's position?

Ambassador BOSWORTH. Yes, I think it is much more a difference of context than a difference of tone, Senator. As I have stated, we support the concept of negotiations within the ongoing political process, within the democratic process which is now underway in El Salvador.

Senator DODD. What does that mean?

Ambassador BOSWORTH. That has been consistently our policy. I believe Secretary Haig testified to that same effect before this same committee not too many weeks ago.

Senator DODD. Yes. And it still leaves me awfully vague as to what you mean by that. I mean we have now had the electoral process.

Ambassador BOSWORTH. Well, we have had the complete electoral process. We have had the first step in an electoral process. We have seen elected in El Salvador a constituent assembly. That is an essential beginning, but it is only the beginning, because the process is designed to produce elections for a president and for a national assembly.

Senator DODD. My point is this: Would the administration oppose—let me put it in the affirmative—would the administration support negotiations to achieve a ceasefire between the government and the opposition forces in El Salvador?

Ambassador BOSWORTH. As I said, we support the concept of negotiations within the political process.

Senator DODD. Just answer the question. Would you support negotiations between the two sides to sit down and achieve a ceasefire?

Ambassador BOSWORTH. If the objective of that were that those who are now on the extreme left wish to participate in the ongoing political process in a peaceful fashion, yes.

Senator DODD. You sound like I am winding you up, like it is a kind of rote response. I understand what you are saying, but I am talking about trying to achieve a ceasefire in that country to try to stop the violence.

Now, if we can get the two sides to sit down to negotiate a case-fire, that is the first step. Are we opposed to that?

Ambassador BOSWORTH. Senator, I think you have to keep in perspective the elements with which one is dealing in El Salvador. As I indicated earlier, there may well be some elements within the FDR/FMLN who are now perhaps willing to lay down their arms under proper conditions providing for their security, et cetera, and to participate in the political process.

But I think we should be under no illusions. Those who are the largest elements in the FDR/FMLN have no interest in participating in such a political process. They are committed to prolonged war.

Senator DODD. Now, wait a minute. That is not quite accurate. You know and I know that the opposition groups have, in fact, submitted what they consider to be talking points for negotiations and also have been willing to sit down and negotiate a cease-fire in that country. It is not an accurate statement to say they are not willing to do that.

Ambassador BOSWORTH. Yes, but that also must be treated in context, Senator. They have indicated a willingness to engage in negotiations for a cease-fire as preparation for negotiations.

Senator DODD. No preconditions.

Ambassador BOSWORTH. They do not use the term preconditions, but if one examines the basic documents which they have published over the past year, their actual position has not deviated. They seek a ceasefire, one. They seek political negotiations on the division of power, the establishment of a provisional government, two.

Senator DODD. That is just not accurate.

Ambassador BOSWORTH. And finally, they envision the prospect of, not elections, but as they term it, a plebiscite to ratify the results of the negotiated settlement.

Senator DODD. Well, I think this is where part of the problem comes from. That is just not a correct characterization of their position. Their position is one of negotiations with no preconditions.

Power sharing is obviously something I am fully aware that they would like to bring up. That is not a precondition for negotiations. It has not been their position. And the administration knows that. That is using a pretext to move against that kind of resolution to the conflict. But that is not the position of the opposition.

What are we going to do? Are we going to move in that direction at all? Or are we dropping the political resolution in El Salvador? Do we think we can win this militarily now?

Ambassador BOSWORTH. No, we do not seek a military solution, as you know.

Senator DODD. Do you think we can win it militarily?

Ambassador BOSWORTH. Senator, there are two basic problems that have been confronting the people of El Salvador for some time. The people of El Salvador have now made a basic choice. They could choose democratic processes, elections, et cetera, as a context within which to resolve political differences and to end the violence, or the alternative was a negotiated settlement. They have chosen democratic processes and elections.

Senator DODD. Are you confident of that? What was the referendum on election day that said that?

Ambassador BOSWORTH. The referendum on election day saw upward of 85 percent of the Salvadoran people turn out to vote.

Senator DODD. What do you think they were saying?

Ambassador BOSWORTH. I think they were saying, one, that they wanted an end to the violence, and two, that they thought the best way to achieve an end to the violence was through the evolution of democratic institutions in that country.

Senator DODD. I agree with you certainly on the first, but I think to assume by that that they mean they do not want a cease-fire and that they do not think the other elements ought to be allowed to sit down and negotiate, I think, is overstating the case entirely.

My time is up, Mr. Chairman. Thank you.

The CHAIRMAN. Thank you, Senator Dodd.

Senator Zorinsky.

Senator ZORINSKY. Thank you, Mr. Chairman.

Mr. Bosworth, I was just in the anteroom on the telephone with the Deputy Assistant Secretary for Latin American Military Affairs. Are you familiar with Mr. Sanchez?

Ambassador BOSWORTH. Yes, sir, I am.

Senator ZORINSKY. He has indicated that there is a report called the Woerner Report. Are you familiar with the Woerner Report?

Ambassador BOSWORTH. Yes, I am.

Senator ZORINSKY. Have you ever seen the report or read its contents?

Ambassador BOSWORTH. Yes, I have, Senator.

Senator ZORINSKY. Mr. Sanchez just denied me access to it. He said a Member of Congress cannot see it. It is a report that seven military officers of our country went to El Salvador to help prepare. This report basically deals with our future policies, with what El Salvador

needs in the way of manpower, equipment, and the costs related thereto which this committee sitting here has to review in hearings and authorize before money is appropriated.

The question I asked Mr. Sanchez was: "Do you mean, if I resigned from the U.S. Senate and became a member of the Department of Defense, I would have access to that report?" He said that certain members of the Department of Defense do have access to that. I asked him if he would be prepared to come here and testify for this hearing, and he said he would. I inquired whether this had ever happened before? Is there any precedent? Mr. Sanchez responded that there was none that he could remember, and said the reason I cannot see the report is because it is not our report, it belongs to the country of El Salvador.

The question I would like to ask you is this: Do we send our military throughout the world making out reports for other governments, and then restrict our elected officials under any circumstances from access to those reports? Now, evidently you have seen it, but I cannot get a copy of it, nor can I even see it. My concern is that I am going to be asked to be the "stuckee" along with the taxpayers of this Nation to fund the results of that report. It is a sad commentary on how we operate when we have our military going down there to evaluate and help them assess the situation and then deprive the Congress of that information.

The report deals with the numbers of advisors that will be needed in the future. It deals with where the Salvadorans are going militarily and how we can help them attain their goals. Also included are the requirements for hardware and military equipment.

I am concerned now that you have seen it, and I am finding out more and more people every day see it, why the Congress cannot see it? Would you answer that question, please?

Ambassador BOSWORTH. Senator, if you are making a request to see that report, I would be happy to take that request back and we will be back to you. I am not in a position now, as I think you can appreciate, to make a yes or no response to that.

[The following information was subsequently supplied for the record:]

Last year, the Salvadoran High Command requested U.S. assistance in developing a Salvadoran National Military Strategy. In response to that request, a team headed by Brig. General Fred Woerner visited El Salvador in September-November 1981 to work with the High Command on this project. On completion of its mission, General Woerner prepared a draft report to the Joint Chiefs of Staff which, after review, was transmitted to the Secretary of Defense. Your request for this report is under review by the Department of Defense.

The CHAIRMAN. If you will simply tell the Department that the chairman has requested the report also, we would appreciate it.

Ambassador BOSWORTH. Senator, if you are making a request to see that report, I would be happy to take that request back and we will be back to you. I am not in a position now, as I think you can appreciate, to make a yes or no response to that.

Senator ZORINSKY. Thank you Mr. Chairman. Mr. Bosworth, there was obviously a lack of communication with respect to the context

and how you answered the question of my colleague, Senator Dodd. I would like to bring to your attention a similar matter. Most recently I called the State Department to register my concern for the foot-dragging attitude that obviously exists with regard to Lopez Portillo's initiative in bringing members of our Government together with members of the Governments of Cuba or Nicaragua in order to discuss some of the problems that we have with both of those countries. Members of the State Department in explaining the Department's disinterest indicated that Nicaragua was not serious, and that the President of Mexico did not stipulate as a precondition to negotiations that Nicaragua would no longer pass through armaments to El Salvador.

I called the Embassy of Mexico and talked to the gentleman who delivered the communique from President Portillo to our administration, and he indicated it most certainly was a precondition that Nicaragua halt the arms flow and that the Mexicans were conveying that to us. Then I called the State Department back, and I was informed that there is a two-word phrase in Spanish that can mean two different things, and possibly it was mistranslated. I asked the State Department official, "Why do you not call the Embassy in Mexico and ask for the proper translation?" I gave the telephone number and the name of the individual I talked to. The State Department official replied something like: "Well, we will get around to it in about a month or two, or we will talk to them about it the next time we happen to run into them."

It is this type of action that concerns me. Are we really interested in creating a peaceful atmosphere down there and pursuing negotiations, or are we not.

I also want to say this. Not over 3 weeks ago the Ambassador from El Salvador called me, as did members of the State Department to suggest that I promote a certain individual for the Presidency of El Salvador. Initially we all supported, and I most certainly did, a free and open election in El Salvador, so that the people of El Salvador would decide the future government of their own country.

I do not think it is in our best interest, nor in keeping with our democratic principles, to have members of the State Department and the Ambassador of El Salvador tell me to promote and support someone named Chavez-Mena for the Presidency of El Salvador. The initial concept of a free and open election was that the people of El Salvador decided who the President would be, not a U.S. Senator or people in the U.S. State Department. I don't believe we ought to try to make that decision for the Salvadoran people.

So, it concerns me when I see all of this happening, and then read in the paper, as I did the other day, that we are preoccupied with the crisis in the Falkland Islands, and possibly will not get around to negotiating with or even talking to the Nicaraguans. A member of the Sandinista government, Jaime Wheelock, happened to have been in my office 2½ weeks ago, and he indicated that they would like to have a multinational peacekeeping force composed of Panamanians, Mexicans, Canadians, Americans, Venezuelans, to patrol their sea, air, and ground borders, to assure that no armament is being passed through.

I said, Mr. Wheelock, do you have the authority from the Sandinista government to make that request official? He replied that he most certainly did, but could not see the Secretary of State or anyone in a position to make that offer to. So I called the State Department to

make that offer on their behalf, and the Department official replies that well, they are not serious about it, based on their past actions we do not think they are going to keep their word on it.

I do not know how else to say it other than, if we are serious about peace in Central America, I think we ought to call their bluff. We should say, OK. if this is what you are offering. we are willing to pursue it, and if they are lying, put it on the public record. Let the American people know who is at fault. It disturbs me when I see a foot-dragging attitude and this procrastination because currently British ships at 12 knots are headed toward the Falkland Islands, and all of a sudden our focus and attention is there.

That is probably more of a statement than a question. Would you like to comment on anything I said?

Ambassador BOSWORTH. If I might, Senator. I might just make a couple of very brief comments. First, on the subject of El Salvador and its organization of a new provisional government. I think, as the chairman indicated at the outset. and as I trust I indicated in my statement, we recognize that the decisions on the shape and composition of that government are a sovereign right of the Salvadoran people. and we recognize that absolutely and flatly. However, as the chairman, Senator Pell, and others also have indicated. there are also certain programs and policies of any new government which will be very seriously evaluated and carefully evaluated within this Government, both within the executive and within the legislative branches.

As determinants of our ability, our willingness to provide them economic and military assistance, it is obviously incumbent upon us to insure, as I assured the chairman that we had done so. to assure that the people who are organizing the Government of El Salvador are aware of what those underlying political realities are.

On the subject of Nicaraguan negotiations, first of all, I would reject categorically any indication which might be conveyed through the press that the administration in general or the State Department in particular is engaged in any foot dragging in our efforts to establish a dialog with Nicaragua. I think our record on this is quite clear. We started this effort, and we have been pursuing it since last August.

We received last week, I believe on Wednesday, a response from the Nicaraguans to the proposals that our Ambassador had made in Managua. The story that we were dragging our feet appeared, I believe, within 72 hours after the receipt of that response. I would submit that that is not a period which should be defined as meaning that we are dragging our feet. We are pursuing this exercise, this effort, with great seriousness. We have indicated both privately to the Government of Nicaragua and publicly that the cessation of direct Nicaraguan support for the insurgency in El Salvador and for insurgent movements elsewhere in Central America is an absolute requirement to progress on the other areas of our relationship.

I believe that they understand that, but I would simply stress once more, Senator, that we take this exercise with great seriousness. We are not engaging in dilatory tactics. We are not dragging our feet. The Falkland Islands problem is taking a considerable amount of our time, but it has not in any way impinged upon the pace or substance of our examination of our relationships with Nicaragua.

Senator ZORINSKY. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Zorinsky, I join you in making that official request of the Department, simply because it seems necessary by law to do so. For your own reference. Ambassador Bosworth. section 26, paragraph C, of the Arms Export Control Act provides that upon the request of the chairman of the Foreign Relations Committee of the Senate, the President shall grant that committee access to defense requirement surveys conducted by U.S. Government personnel, so there is no question by law that we have that right to have access under whatever classification you want to make to that report, and we would so request.

The CHAIRMAN. Senator Symms, we are very happy to have you today.

Senator SYMMS. Thank you, Mr. Chairman, for allowing me to be here today. I found this very interesting, as most of my duties on committees deal in matters other than foreign policy.

Mr. Bosworth. I just wanted to ask you this. I have a letter which I am sure you have seen, dated April 14, to Senator Baker, which states that because of the troubled situation in the Caribbean today, however, we do not find the Symms restatement resolution helpful to our overall efforts in the region. However, in your testimony today, you say, if I read it correctly, that you do support the Symms resolution. I have a letter from Mr. Powell Moore. Assistant Secretary for Congressional Relations. that states that as Mr. Bosworth says in the enclosed statement, and I am just reading parts of the letter, and I would like to submit them both for the record. "We did not oppose your resolution, and we do not oppose it now. It is a restatement of the actual U.S. policy toward Cuba and the sentiment behind it we believe remains valid today, just as it was valid in 1962, when the resolution was first stated."

[The letters referred to follow:]

ACTING ASSISTANT SECRETARY OF STATE,
Washington, D.C., April 14, 1982.

DEAR SENATOR BAKER: While recognizing its non-binding nature, every Administration since the Kennedy Administration has affirmed the 1962 resolution as a statement of actual U.S. policy toward Cuba. Because of the troubled situation in the Caribbean today, however, we do not find the Symms re-statement resolution helpful to our overall efforts in that region now.

Sincerely,

ALVIN PAUL DRISCHLER,
Office of Congressional Relations.

DEPARTMENT OF STATE,
Washington, D.C., April 20, 1982.

Hon. STEVEN D. SYMMS,
U.S. Senate.

DEAR SENATOR SYMMS: Enclosed is the statement which Deputy Assistant Secretary Stephen Bosworth will give today before the full Senate Foreign Relations Committee hearings on Caribbean and Central American issues, among others. You will note that contained in that statement is a portion relating to your resolution regarding U.S. policy toward Cuba. I hope that this statement and amplification which Deputy Assistant Secretary Bosworth will make will clarify any confusion which might have surrounded our support for the tabling motion last week.

As Mr. Bosworth says in the enclosed statement, we did not oppose your resolution and we do not oppose it now. It is a restatement of actual U.S. policy toward Cuba and the sentiment behind it. we believe, remains valid today just as it was valid in 1962 when the resolution was first stated. We were reluctant,

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however, to give full public support for the resolution when it was on the floor of the Senate since we felt that it would be more appropriate to have the resolution considered in committee before full floor consideration. Deputy Assistant Secretary Bosworth will now have the opportunity to articulate exactly where we stand on the issue and exactly why we support the resolution. This will preclude any misinterpretation which might have been possible without the opportunity for Administration representatives to present our position fully.

With cordial regards,

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Congressional Relations.

Enclosure.

In the case of Cuba, we continue to oppose fundamental and all efforts to export subversion and terrorism in Central America and the Caribbean. In this connection, Senator Symms has introduced a resolution reaffirming the resolution adopted in 1962 on the U.S. determination to oppose the efforts of Cuba to expand its sphere of influence. The resolution, which is scheduled to be considered by the Committee, reflects the policy of six administrations, certainly this one. As we told Senator Symms, we have always endorsed the thrust of his resolution. While we supported the tabling motion on the Senate floor, we did so only because we believed it was appropriate that the resolution be fully addressed in committee before coming to the Senate floor. After it has been given the appropriate committee considerations, we fully intend to support the Symms resolution.

Senator SYMMS. Would you please enlighten me as to how the decision was made and if so, who made the decision to oppose that resolution so that we got headlines across the country that stated the Senate tabled the Monroe Doctrine? I do not see how that could be too helpful to our foreign policy either, as a result of the State Department's apparent flip-flop on that resolution.

Ambassador BOSWORTH. I would simply like to stress, Senator, as I stated in my prepared statement and in the letter to you from Mr. Powell Moore, we fully support the thrust of your resolution. The letter of April 14, which I believe is the date it was submitted, was not intended in any way to indicate that we did not support the thrust of your resolution. It was designed to take account of what we consider to be some important procedural considerations in that we believed it would be useful, in fact, very useful to have your resolution discussed in the appropriate committees.

I would say quite candidly that I find that the language that was used to try to explain that position was less than felicitous, but I would assure you that the language which is contained in the statement which I have made today and in the letter to you from Mr. Powell Moore is an accurate statement, a full and accurate statement of the administration's position on your resolution.

Senator SYMMS. It would appear to me that the State Department probably has enough without concerning itself with the procedures used in the Senate. I might just say that I think the Senate can take care of those procedures, but what you are saying now is that the official U.S. policy position is now in support of the resolution.

Ambassador BOSWORTH. Yes.

Senator SYMMS. As in the last five administrations?

Ambassador BOSWORTH. Is now and in fact was. That is not a change in our position. Our position remains one of full support for the thrust of that resolution.

Senator SYMMS. The letter that came over, of course, said the troubled situation in the Caribbean. It appeared to me like somehow there was someone at the State Department who was concerned about

something in the Caribbean, instead of being concerned about whether procedures in the Senate were. You are saying that that is a correction now, that that is the language?

Ambassador BOSWORTH. Yes.

Senator SYMMS. At how high a level was this decision made in the Department?

Ambassador BOSWORTH. Which decision?

Senator SYMMS. To support the tabling motion last week.

Ambassador BOSWORTH. I am not aware of the precise level at which that decision was made, Senator. I can assure you that the finding, that the thrust of your resolution is fully consistent with the policy of this administration, was made at the very highest level of the State Department, by the Secretary of State himself.

Senator SYMMS. For the position the Department has on April 20, that is, today?

Ambassador BOSWORTH. Yes.

Senator SYMMS. I thank you very much, Mr. Chairman. I appreciate the opportunity to be here with your committee, and I hope that the next time we get that to the floor, we will not have to be on opposite sides.

The CHAIRMAN. I hope so, too, but in a matter of principle, Senator Symms, I have adhered to the policy for 15 years, in accordance with Senate procedure, to use the committee and unless extraordinary circumstances intervene, I have always opposed any Senator who wants to put a resolution on the floor without consideration by an appropriate committee, whether it is this committee or another committee. Do not make any mistake about it. It was the chairman of this committee that opposed this amendment, because we were holding hearings. You knew we were holding hearings. So I do not see any emergency that requires that we take that up before it goes through the committee process. So it is Senate procedures that held me to that position.

Senator SYMMS. Mr. Chairman, you are making my point. I think that is proper for you as chairman. As I said to you on the floor, there is no Member of the Senate that is more interested in your success as chairman of this committee and considering the fact that I dedicated 3 years of my life to seeing that you became chairman of this committee. [General laughter.]

I think that certainly is a proper position for you. My criticism is to the Department for them to concern themselves, their posture, to have them take a position that appears to be one way one day and another way the next. Based on Senate procedures, I would encourage you to, if you have a position at the Department, to stay with your position, and do not try to take care of our rules over here. You take care of the positions for the administration, I think it would make a much cleaner arrangement, as far as having one unanimous voice for the United States speaking in a strong posture, so that it does not appear that the right hand does not know what the left is doing. That is my point, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Symms. I shall assure you that I will find an appropriate time and occasion to adequately express my appreciation. [General laughter.]

Not on this particular resolution at this particular time, though. But we are delighted to have you join us now and at any time. We welcome the deep interest that you have had in matters of foreign policy.

Ambassador Bosworth, the administration is requesting an additional $60 million in military assistance for Central America in this fiscal year, including up to $35 million for El Salvador. The request is in addition or on top of $55 million drawn out of the 506 account in January, and the $26 million authorized for the fiscal year. You are asking for $60 million for El Salvador for next year. Would you outline what the purposes and programs are for which this military assistance is being channeled?

Ambassador BOSWORTH. Certainly, Mr. Chairman, I would be happy to do so. In fact, I would propose that I submit for the committee record a breakdown of the major equipment categories for which this money will be used, for which the $55 million was used.

[The material referred to follows:]

SUMMARY OF MILITARY ASSISTANCE TO EL SALVADOR

FISCAL YEAR 1981–83

[SUBMITTED BY THE DEPARTMENT OF STATE]

FMS Guaranteed Loans—$10 million: Commercial trucks; individual field equipment; jeeps; communications equipment; and 6 UH1H helicopters (lease).

506(a) Determinations—$25 million: M–16 rifles, grenade launchers, and ammunition; 10 UH1H helicopters; communications equipment; upgrade patrol craft; and training in use of new equipment.

IMET Program—$440,000.

FISCAL YEAR 1982

FMS Guaranteed Loan and MAP Grant—$25 million: M–16 rifles, small arms, and ammunition; communications equipment; Bailey bridges; and special training course at Ft. Bragg and Ft. Benning.

506(a) Determination—$55 million: 15 UH1H helicopters (including repair/replacement of those lost in guerrilla attack and funds for conversion of lease helicopters to grant); ground support and transport aircraft (A–37's, 0–2's, C–123's); field equipment for additional battalions; communications equipment; support for logistics command; M–16 rifles, ammunition and spaces; coastal patrol craft; and training in use of new equipment.

IMET Program—$1 million.

Fiscal year 1982 MAP Supplemental—$35 million: Field equipment for new battalions; expand command and control system; support for logistics command; coastal patrol craft; and training.

FISCAL YEAR 1983

FMS Guaranteed Loans and Direct Credit—$60 million: Helicopters and other aircraft; patrol craft; transport vehicles; engineering equipment; weapons and ammunition; spaces; and training.

IMET Program—$1.3 million.

Ambassador BOSWORTH. In the case of the $55 million, Senator, you will recall that action was taken after the very unfortunate loss by the Salvadoran Air Force of a very large portion of its equipment with the bombing of the Ilopango Air Field. Much of the $55 million will be used to replace those lost aircraft. For the rest, Mr. Chairman, we are devoting the great bulk of our security assistance to El Salvador, to assisting them in establishing the sort of rapid reaction small unit army which is required in order to combat effectively the insurgency.

The bulk of that assistance goes for training. As you know, we are

training one battalion of the Salvadoran Army in this country. We are also training some 400 to 500 Salvadoran junior officers in this country. In addition, we are outfitting those new battalions with equipment. That is another substantial use of our funding authority, and transport and communications equipment are other areas in which we are concentrating our resources.

All of those areas are ones which we have concluded are absolute priorities in terms of assuring that the Salvadoran Army has the ability to combat this insurgency.

The CHAIRMAN. Is the administration confident that its military assistance to date has had a positive effect on the Salvadoran Army's capabilities in the field, and on its handling of the civilian population?

Ambassador BOSWORTH. I believe yes on both counts, Mr. Chairman. First of all, I believe our conclusion is in recent weeks that one is finally beginning to see some very visible results from the training and equipment which has been provided over the last several months. I would note in this regard that the performance of the Salvadoran Army in the period leading up to and including the elections was really in all aspects quite impressive.

There is incontrovertible evidence that the guerrillas were attempting to mount a major program of disruption by raising the level of violence, raising the level of hostility, and by utilizing its new rapid reaction capability together with improved intelligence operations. The Salvadoran Armed Forces were able in effect to deter that planned guerrilla offensive.

I think that the army's effectiveness in doing so was one of the factors which was responsible for the successful holding of the elections. Their conduct during the elections was by all reports exemplary as well. They maintained from the outset that they would not participate directly in the electoral process, and they did not. However, they did provide very full and adequate protection for the Salvadoran people to the greatest extent of their ability.

On the subject of relations between the armed forces and the civilian population, Mr. Chairman, this has, of course, been an issue which has been, I would say, at the very heart of our ongoing dialog, not only with the Salvadoran Government but with the Salvadoran Armed Forces. We believe that there is very visible evidence of improvement in this regard, improvement on the one hand in the general attitudes which exist between the armed forces and the population, and improvement on the other hand in the manner in which for the first time in the history of the Salvadoran Armed Forces one now sees very visible and concrete evidence that discipline is being enforced and that there is in effect a process of punishment and retribution for excesses of authority committed against the civilian population.

I would add finally that it is our belief that we will see even more progress in this area once the junior officers who are being trained at Fort Benning return and take up active duty within El Salvador.

Finally, Mr. Chairman, in addition to what we believe is the superior training in military tactics that they are receiving at Fort Benning, it also provides an opportunity to instill in them attitudes which we believe are very healthy and over the long term very beneficial on such subjects as relations between military and civilians.

The CHAIRMAN. There has been concern expressed that sophisticated gun ships and fighter aircraft which have been called for are not needed by the Salvadorans, and may lead to irresponsible actions against innocent civilians. Would you comment on this?

Ambassador BOSWORTH. We are aware of that concern, Mr. Chairman. We are providing A–37 aircraft to the Salvadoran Army to replace some of the aircraft that was lost. In our view, that aircraft is eminently appropriate for the type of threat which the Salvadoran Army faces. It is primarily a ground support aircraft which can be used in close support of ground troops with minimum threat civilian populations.

Similarly, that is our view with regard to the helicopters that we are providing to them. There are some types of helicopters which, quite frankly, we do not provide; some types of munitions systems which are not being provided, precisely because it is our concern that in the type of insurgency which one finds in El Salvador there would be an unwarranted risk of casualties to the civilian population.

So that subject is one which is very much in the front of our minds as we make decisions on the appropriate types of systems which should be provided to the Salvadoran armed forces.

On the subject of the use of our foreign military sales credit funding, Mr. Chairman, I might note for the record that a detailed analysis of our security assistance proposal for El Salvador for fiscal year 1983 does appear on page 457 of our congressional presentation document.

The CHAIRMAN. I will put my last question to you on Cuba in several parts. The first relates to the announcement just made that as of May 15 there will be restrictions on the use of U.S. funds in Cuba. This means effectively that business and tourist travel to Cuba will be cut off.

Why is the administration taking this action at this particular time? Some say that such actions and other recent ones, such as interference with air travel to Havana, will adversely affect efforts to engage the Cubans in meaningful discussions about their activities in the Caribbean Basin and Central America.

Could you give us some idea how much money Cuba does earn in convertible currency each year from such transactions that would be cut off by this action?

Ambassador BOSWORTH. I am not sure that I have that data with me, but I certainly can provide it for the record. It is a rather significant amount.

The CHAIRMAN. Then do provide it for the record.

[The material referred to follows:]

RESTRICTIONS ON U.S. FUNDS IN CUBA

[SUBMITTED BY THE DEPARTMENT OF STATE]

Recently announced Treasury regulations prohibiting transactions related to travel to Cuba for tourism or business are part of Administration efforts to tighten the Cuba embargo in response to continuing Cuban promotion of violence against our friends in Latin America and the continued presence of Cuban mercenaries in Africa. Some 38,000 persons visited Cuba directly from the United States during a recent 12-month period. This prohibition may affect up to 17,000 such visitors and will cost Cuba many millions of dollars. It is hard to estimate how many millions of dollars they spent in Cuba because they bought different tour packages and some spent more than others while in

Cuba. This measure will have a real impact now that Cuba is scrambling for hard currency and an even greater impact in the future, since Cuba is trying hard to increase tourism from the United States, Canada, and Western Europe.

Ambassador BOSWORTH. On the subject of the restrictions themselves, Mr. Chairman, I would simply note that it has been the policy of this administration and continues to be the policy of this administration to enforce to the maximum extent possible our economic embargo against Cuba. We do not believe that that in and of itself is prejudicial to any prospect for an improved relationship or in particular that it is prejudicial to a decision on the part of the Cubans that their own best interests would be served by desisting from the activities they are now engaged in, in terms of their support for insurgent movements elsewhere in the region.

The CHAIRMAN. Does the fact that we are taking this action at this particular time, which follows meetings that Secretary Haig and Ambassador at Large Vernon Walters have had with Cuba recently, really mean that those talks indicate they are going no place? And is there reason to believe that the talks will lead to a reduction of Cuban subversive activities in the region, or did they conclude that there was no real hope of that?

Ambassador BOSWORTH. Mr. Chairman, I would not at this point wish to characterize the results in any way of discussions with the Cubans. I think it is, however, very important to note that one must bear in mind that it is not Cuban rhetoric with which we are concerned, or Cuban statements that they make publicly. It is Cuban behavior with which we are concerned.

Until we see evidence of change in Cuban behavior, particularly their behavior in the Caribbean, Central America, and, of course, in Africa, this administration considers there is very little prospect for any significant improvement in our relationships with that country.

That does not mean, however, that, as Secretary Haig has already indicated, we will not maintain the possibility of having further direct talks with the Cubans.

The CHAIRMAN. Senator Pell, I wonder if you would be good enough to take the Chair for these hearings and to conclude them.

Thank you very much, Ambassador Bosworth and Mr. Michel, for being with us today.

Senator PELL [presiding]. Thank you, Mr. Chairman.

Following up on the Chairman's question with regard to Cuba, have there not been cases in the past few months where it seems that the Cuban interventions have declined, or is my impression wrong?

Ambassador BOSWORTH. We see no evidence, Senator, of any basic change in the pattern of Cuban behavior vis-a-vis Central America and the Caribbean. Now, it is true that in public statements, at least as reported in the United States media, there is indication of a Cuban willingness to discuss changes in such behavior. But as I said earlier, we have seen such indications, such oral indications, previously from Cuba.

What we have not seen in the past and what we do not yet see now is any change in the pattern of Cuba's actual behavior.

Senator PELL. When was the last specific evidence and knowledge of Cuban weapons being infiltrated into El Salvador?

Ambassador BOSWORTH. I think, Mr. Chairman, it is important to bear in mind that one does not in effect run an audit track on each weapon as it departs the shores of Cuba, goes through Nicaragua into Honduras and to El Salvador. One is dealing here with a concept of stocks and flows.

We know, as the Secretary has testified, that there have been very large deliveries of Soviet weapons to Cuba in the current period. We have evidence that the supply of materiel, including arms, from Cuba into Nicaragua continues. And we have evidence that the supply of weapons and other material support from Nicaragua into El Salvador continues.

Senator PELL. But I would repeat my question, if you are free to answer it: When was the last month, let me put it that way, that we had specific evidence of Cuban weapons or Russian weapons via Cuba entering El Salvador?

Ambassador BOSWORTH. We have no evidence, so far as I am aware, of Russian weapons actually being in El Salvador. Weapons, as you know, are fungible, and weapons which are provided to Nicaragua tend to free up weapons which can be provided to others.

Senator, as you are aware, there is a concern that the revelation of specific information may tend to compromise specific sources of intelligence. However, I would be happy to take that question and see if we can produce an answer for you.

Senator PELL. Good. I am just asking for the month. I do not think that should compromise a source.

My impression, in fact my understanding, was that over the last several months there had been a decline in this regard. If you would submit for the record the best answer that you can, we would appreciate it. I already have available from the administration a classified answer.

Ambassador BOSWORTH. Certainly.

[The material referred to follows:]

CUBAN WEAPONS IN EL SALVADOR

[SUBMITTED BY THE DEPARTMENT OF STATE]

April, 1982 would be the last month when we had specific evidence of Cuban weapons entering El Salvador. Insofar as Soviet weapons are concerned, I would like to enter into the record the text of a statement Ambassador Hinton gave to a press conference he held in San Salvador on April 23, 1982.

Several unexploded delayed action fuses were recovered after the January 27, 1982 attack on the Ilopango Air Base. Recognizing them as detonators of foreign origin, the National Police requested U.S. assistance to identify them. One of the recovered fuses was sent to U.S. Government demolition experts in Maryland where it was analyzed and identified as either a copy of or an original Soviet Muv-2 fuse. Because all identifying markings have been removed, it was impossible to determine with certainty the country of origin of the fuses used at Ilopango. However, they were clearly Soviet Muv-2 model fuses. Similar fuses with Soviet marking have been recovered in Vietnam, Namibia, and the Middle East where the PLO has employed them in terrorist operations, and in other areas in which terrorists are supported by the Soviet Union, Cuba, or North Vietnam. We have no information indicating that any other country is manufacturing the Muv-2 either under license or as a pirated design.

Description of the Muv-2

The Muv-2 is generally screwed into a 400 gr. block of Soviet TNT which is then placed in or near targets, e.g. shops, buildings, etc. the same device is used

to detonate Russian limpet mines for use against railway lines, power stations, etc. The Muv-2 consists of a tube with a coil spring inside the upper half. At the top end the spring is attached to a steel wire placed across two arms of the cross slots at the tube end. Placed in the other two arms—at 90 degrees, is a lead strip, just underneath the wire.

When the safety pin is extracted, the spring pulls the wire onto the lead strip, which is progressively cut through. When the strip is completely cut, the spring is released and drives a firing pin onto a percussion detonator at the bottom of the tube, in contact with the TNT block or limpet mine.

The time to detonation depends on the age, and therefore the hardness of the lead. Test made on captured examples show variations between 4 and 28 minutes.

For immediate detonation, the lead strip is removed, and the device is actuated by removal of the safety pins by trip wires or other similar means.

Senator PELL. In connection with Cuba, you said you could not discuss the content of the talks that were going on or that had gone on between our officials and Cuban officials, but are there any plans for further talks?

Ambassador BOSWORTH. I am afraid, Senator, that I really have to stay where the Secretary of State left this question a few weeks ago when he commented on this subject in New York, and that is, we have had talks. We do not rule out the possibility of talks in the future. But he did specify the very important and essential conditions which would be required to see a significant improvement in United States-Cuban relations.

Senator PELL. What effect do you think a reaffirmation of the Cuba resolution of 1982 would have on our relationship with either Cuba or the Soviet Union?

Ambassador BOSWORTH. As I indicated earlier, Senator, it is our view that the substances of that resolution is, in fact, very consistent with our policy toward Cuba.

Senator PELL. That was not my question. I am aware that you support the resolution. My question was, what would be the effect on either Cuba or the Soviet Union of passage of that resolution?

Ambassador BOSWORTH. Well, to the extent that it tends in that sense to represent the views of the Congress, in addition to the views of the administration, I think it would probably be seen by the Government of Cuba as a rather firm statement of U.S. views regarding the unacceptability of Cuban behavior along the lines we see at present.

Senator PELL. Thank you.

Now, let me develop a thought that I think needs development and general knowledge along a different line. To what extent does the Monroe Doctrine govern our general policy toward this continent? This perhaps is more of a question for Mr. Michel.

Mr. MICHEL. The Monroe Doctrine is not a legal maxim so much as it is a policy of opposition to external interference in the hemisphere. The Monroe Doctrine has been a part of American foreign policy since it was first enunciated by the Monroe administration many years ago.

I am not sure I understand the specific point of your question.

Senator PELL. You will see as I go along that I am trying to bring out a point.

Basically, then, we adhere to the Monroe Doctrine in its entirety?

Mr. MICHEL. That is my understanding of a consistent U.S. foreign policy, yes, sir.

Senator PELL. The interesting point is that parts of the Monroe Doctrine state the United States should be only "a spectator in European affairs" and that "in wars of European powers and matters relating to themselves we have never taken any part, nor does it comport with our policy."

If we cite the Monroe Doctrine as often as we do, would not that same doctrine have prevented our involvement with NATO and participation in World War II? In other words, we talk about the Monroe Doctrine all the time, but we forget it is a two-sided doctrine, and we ought to be more clear in that respect.

Ambassador BOSWORTH. If I might, Senator, I think it might be pointed out that the Monroe Doctrine, when it was enunciated, was enunciated as a basic element of U.S. foreign policy which was found to be in the basic national interest of this country.

Clearly, the other edge of what you have described as a two-edged sword has changed over the years. The United States is no longer simply a hemispheric power; it is a global power. However, I believe it is still the position of this administration and has been in the position of all administrations which have gone before it that the views expressed in the Monroe Doctrine regarding the inviolability of this hemisphere remain a point of U.S. national interest.

Senator PELL. I think that is very well put. They do remain a matter of national interest. Just as with the Helsinki accords each side puts a greater emphasis on certain parts of them, so we put a greater emphasis on one portion of the document as opposed to the other. Neither of them, as you know, have any legally binding effect.

Thank you.

Senator Dodd?

Senator DODD. Let me pick up on that. You are aware of the wording of the Symms resolution which has a tacit endorsement of the Monroe Doctrine included in it. I think Senator Pell's point is well taken. Selective endorsement of the doctrine has had applicability, but over the years, because of a whole host of legitimate circumstances, this had to be selectively applied.

For instance, I do not think we are suggesting, for instance, that the flotilla which is now proceeding toward the Falkland Islands on the part of the British—certainly one might raise the question of whether or not that was a violation, probably a more clear violation since we are talking about European powers involving themselves in the Americas, and might very well confront us with an awkward situation of applying the Monroe Doctrine in the case of Cuba but not applying it, for good reason, in the case of Great Britain.

I am not sure how you feel about this resolution. I see you are not opposing it. It has been in place since 1962. No other administration has seen fit to reoffer the resolution.

Would it be the preference of the administration that the resolution stand, or do you think it is in the interest of the present administration's foreign policy objectives that the resolution be reintroduced, considering all the implications associated with that?

Ambassador BOSWORTH. It is my understanding that it has been reintroduced, Senator.

Senator DODD. That is true, obviously. But you support the reintroduction of it, even though you admit it is still stated policy since 1962?

Ambassador BOSWORTH. Yes.

Senator DODD. Do you think it is a worthwhile foreign policy objective at this point to reaffirm this resolution?

Ambassador BOSWORTH. Having just been lectured on the inadvisability of involving ourselves in Senate procedures, I would prefer not to comment on the question of its reintroduction or any other procedural question. I would simply like to state, as I did before, that the administration finds this resolution is consistent with our policy and that we support it.

Senator DODD. Is it the position of the administration that the present level of military capability in Cuba endangers U.S. security interests?

Ambassador BOSWORTH. The present level of military capability in Cuba?

Senator DODD. Yes, that it endangers U.S. security interests?

Ambassador BOSWORTH. Yes.

Senator DODD. It is somewhat ironic that it was the question of the Soviet brigade in Cuba that had something to do with the absence of a former member of this committee.

What is the administration going to do about the Soviet brigade. It says in the first paragraph of this resolution, or the second paragraph, in the resolved clause: "To prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States."

There was a lot of noise about the presence of a Soviet brigade in Cuba. Now this resolution says that we are determined to prevent the creation or use of an externally supported military capability. Since we are now going to support this, what are we going to do about it?

Ambassador BOSWORTH. Senator, again it is important to treat this in the context of the situation in which we find ourselves vis-a-vis Cuba. We find ourselves on the one hand with a Cuba which has a disproportionately high level of armament for a country of that size in that region of the world.

Senator DODD. I agree with you.

Ambassador BOSWORTH. That, in combination, Senator, with the policies which Cuba pursues elsewhere in the Caribbean and in Central America, cause Cuba to be a threat to U.S. security interests, defined in this instance as our security interests in Central America and the Caribbean.

Senator DODD. I don't disagree with any of that. What are you going to do about it? I mean, we are supporting these things and we make these statements. I'd like to know what we plan to do about it.

Ambassador BOSWORTH. I think, Senator, what we are going to do about it is basically what we are doing about it now, and that is this administration is attempting to make it clear to the Cubans and as well to the Soviet Union that——

Senator DODD. Do we consider the presence of that Soviet brigade a danger?

Ambassador BOSWORTH. I am not prepared to address that issue. That is an issue that was addressed in the last administration and not this administration. If you like, I would be happy to take that as a question and provide something, but I am not really at this point prepared to address the specifics of the Soviet brigade.

Senator DODD. Is it still there?

Ambassador BOSWORTH. I would be glad to provide you with a response to that question.

Senator DODD. I would like to know what you are going to do about it, too. I think we may pass resolutions sort of willy-nilly around here and no one ever asks the simple question of, now what.

[The information referred to follows:]

The Soviet Combat Brigade is still in Cuba. The increasingly close Soviet-Cuban military relationship, in all its aspects, is of serious concern to this Administration. Soviet military presence in Cuba includes not only the 2,600 man Combat Brigade, but also 2,000 military and 6,000–8,000 civilian advisors. It also consists of a major intelligence gathering facility and periodic (TU–95 D Bear Reconnaissance) air and naval visits since 1970 and 1969, respectively. As to what action the United States might take, I cannot comment at this time as our Cuba policy is under review.

Senator DODD. At any rate, let me move on to a couple of other things. If I can, very quickly, Mr. Chairman, I will try to run through some of the countries, Mr. Bosworth, if I can, for you. And I would like a response to that, if I could, whether or not the Soviet brigade is still there, and what specific steps the administration is going to take, since it has now endorsed this resolution, to get it out of there.

Ambassador BOSWORTH. Yes, sir.

Senator DODD. Am I correct in this? I have been told that the proposal we made to the Nicaraguans, the April 2d or April 4th proposal, whatever the date was—was that made orally or in written form by our Ambassador?

Ambassador BOSWORTH. It was made orally in the presence of a stenographer from the foreign ministry of the Government of Nicaragua, who took copious notes.

Senator DODD. But we did not present them with a formal written proposal?

Ambassador BOSWORTH. No.

Senator DODD. Is that standard operating procedure?

Ambassador BOSWORTH. There are a variety of standard operating procedures and diplomatic processes of this sort, Senator. It certainly is completely acceptable.

Senator DODD. Was their response written?

Ambassador BOSWORTH. No.

Senator DODD. They made it orally as well?

Ambassador BOSWORTH. Indeed.

Senator DODD. To us, those eight points or whatever that came back?

Ambassador BOSWORTH. That is right.

Senator DODD. Commandante Zero, Mr. Pastora, his open break with the Sandinista leadership, what has the Department said about that?

Ambassador BOSWORTH. What we have said is that we have studied his remarks very carefully, that many of the concerns which he has expressed about the course of the revolution in Nicaragua, in particular about the large Cuban influence in Nicaragua, are concerns that we share.

I think this is a subject of concern which we have articulated frequently over the past several months. We have also said, however, that it is clear that we do not share many of Mr. Pastora's views on Central America as a whole. In particular, we do not share his views on the situation in El Salvador.

Senator DODD. Were we in contact with Mr. Pastora prior to the public statement he made in Costa Rica?

Ambassador BOSWORTH. No. There has been no contact between Mr. Pastora and any U.S. official.

Senator DODD. Either before or afterward?

Ambassador BOSWORTH. No.

Senator DODD. Let me ask one more question on Nicaragua. Are we prepared, without any agreement with the Nicaraguans, to do anything about these anti-Sandinista camps in Florida? Have we taken any specific action in regard to those?

Ambassador BOSWORTH. That is one of the areas of alleged Nicaraguan concern which is covered in the proposals we made to the Nicaraguans, yes, sir.

Senator DODD. What do you mean, "alleged"?

Ambassador BOSWORTH. I say alleged because it is our rather consistent view, one, that we enforce fully the provisions of the Neutrality Act; two, that by any objective evaluation the activities being conducted in these camps do not constitute a threat to the integrity of the Nicaraguan Government or the Sandinista revolution.

Senator DODD. You do not deny that these camps exist?

Ambassador BOSWORTH. We do not deny that.

Senator DODD. And that what they are training for is the overthrow of that government?

Ambassador BOSWORTH. Well, I think, Senator, it was a useful perspective given to us by one of the national newscasts not long ago in a story on this, which demonstrated that on any given Sunday, particularly at that particular period of time, there were more representatives from the media present than there were trainees present in this particular camp.

Senator DODD. That is a question of capability and whether or not they can actually execute their plans, but they do exist.

In El Salvador and the coalition process, what is your assessment of that? How is it going and who will emerge? Do you have any sense of that at all?

Ambassador BOSWORTH. I really do not at this point. Any personal insight that I may have would be inappropriate to express at this particular juncture. That pursued among all elements of the political constellation in El Salvador.

I might note that many of the participants in the political discussions seem to be enjoying themselves rather much. This is the first opportunity they have had in some time to engage in such political exercise.

Senator DODD. In retrospect, do you think it was a wise policy for the U.S. Embassy to serve as host at these gatherings for various political leaders, to try to influence the outcome of that coalition?

Ambassador BOSWORTH. I would distinguish, Senator, very carefully between any allegations that we are attempting to influence the outcome of that process, which, as I have stated rather concretely, we recognize as a sovereign prerogative of the El Salvadoran people, and the necessity, given the current situation in El Salvador, given political realities in this country, to insure that all players in that process are fully conversant with that political reality.

Senator DODD. I am talking about the hosting, you know, having them all over to our house. Can you imagine what the reaction would have been if Nkomo and Mugabe had gathered at the Soviet Embassy after the Zimbabwe election to determine how they were going to divide power?

Ambassador BOSWORTH. I think there have been a couple of social gatherings at the home of the U.S. Ambassador in El Salvador, one of which, as I recall, was just after the elections, which was in effect a reception in honor of the U.S. electoral observer delegation, to which all representatives from the legitimate political parties who had participated in the election were invited.

Senator DODD. That was one. There was also another one to get them together to try to resolve the differences in how a coalition would emerge. It wasn't a social gathering, it was a political gathering.

Do you not think that was unwise?

Ambassador BOSWORTH. I am not aware of any gathering that was held for that particular purpose, Senator. There was a gathering which was, again, held I think within the last 10 days, on the occasion of a visit there by a delegation from the U.S. Congress.

Senator DODD. I am aware that Congressman Wright and others were there. I am talking about one immediately after the election.

Ambassador BOSWORTH. As I said, that was one that was primarily a social gathering in honor of the U.S. electoral observers.

Senator DODD. There was another one that was not social.

I would defer now to the chairman, who has questions. My time is up.

Senator PELL. Let me say that we have heard nothing concerning the problem of the four churchwomen since January. What is the present status of the reinvestigation, which I understand has to go on before the perpetrators of that crime can be brought to justice?

Ambassador BOSWORTH. The suspects have been indicted. The chief investigating officer is still in the process of taking the legal depositions which are necessary to move on to the process of trial.

It remains the very firm view of this administration that this process should be dealt with expeditiously and fairly and in a forceful manner, and that is the attitude that we continue to convey to the authorities of El Salvador.

Senator PELL. Do we still have a judge in place?

Ambassador BOSWORTH. Yes.

Senator PELL. Is it your belief that he will remain in place until the trial is completed?

Ambassador BOSWORTH. Yes.

Senator PELL. Do you have a time estimate as to when that trial might be?

Ambassador BOSWORTH. I would hope within the next several weeks or the next few months, but I really do not have a firm estimate that I would care to make as a prediction as to when that would take place.

Senator PELL. This is of acute concern to many of us, and particularly to my part of the country, where the Maryknolls are particularly strong.

Ambassador BOSWORTH. I understand that, Senator. It is of acute concern to this administration as well.

Senator PELL. Thank you very much. That is all the questions I have.
Senator Dodd?

Senator DODD. Thank you, Mr. Chairman.

What is the position of the rightist groups in El Salvador with regard to the economic and agrarian reforms? Have they modified their position on those issues at all?

Ambassador BOSWORTH. I think there are a plethora of views on the record as a result of the campaign process. The indications which we have had from them over the last several days in public and private are an expression of their commitment to the carrying out of those reform processes.

I think, however, that clearly the litmus test or the acid test of that, if you will, will come in terms of what the programs and policies of the new provisional government actually are.

Senator DODD. So there has been a change, then, from the campaign rhetoric to the post-election statements?

Ambassador BOSWORTH. Well, without being too dramatic about it, yes, I think there has been increasingly, as one has seen the political process or the coalition building process, as it is referred to, proceeds, there has been an increased awareness on the part of all members in that process of the essential need to continue the programs of economic and political reform.

Senator DODD. Does that apply to Mr. D'Aubuisson specifically, that he now endorses the agrarian reform?

Ambassador BOSWORTH. I would not want to single out, Senator, any single particular individual and give you an encapsulated view as to what his current position is.

Senator DODD. He is not an insignificant player.

Ambassador BOSWORTH. No; but there are a lot of other significant players there as well.

Senator DODD. But you do not exclude him from your earlier statement?

Ambassador BOSWORTH. No; I would not exclude him, but I do not wish to single him out.

Senator DODD. I have raised the Falkland issue. I realize you are not here to specifically talk about that. But I wonder, Mr. Chairman, if I may make a request that the committee be provided by the State Department with a comprehensive list of U.S. equipment used by Argentina in its invasion of the Falkland Islands. May we get that, please, to find out exactly what materials were being used down there?

Senator PELL. I agree.

[The information referred to follows:]

On April 2 Argentine military forces occupied the Falkland Islands (known to the Argentines as the Islas Malvinas), which have been the subject of a long-standing dispute between the United Kingdom and Argentina. Argentine forces taking part in these operations were reportedly equipped with a variety of defense articles that had been furnished to Argentina under the Foreign Military Sales program, including destroyers, submarines and landing craft, and C–130, A–4 and S–2 aircraft.

Senator DODD. Mr. Secretary, I would also like your assessment on whether or not it is the State Department's judgment that any of that equipment is being used in contravention of the agreements under which it was provided in the first place.

Ambassador BOSWORTH. I will take note of both of those questions, Senator.

Senator PELL. I hope you will not only take note, but provide us with this information.

Ambassador BOSWORTH. Indeed.

[The information referred to follows:]

The use of these items by Argentina is limited, under the agreements governing their sale, to purposes consistent with the United Nations Charter and the Inter-American Treaty of Reciprocal Assistance (The Rio Treaty).

In these circumstances, it is the judgment of the Administration that a substantial violation by Argentina of these agreements may have occurred.

As you know, U.S. security assistance to Argentina remains subject to the prohibitions contained in Section 725 of the International Security and Development Cooperation Act of 1981. In addition, the Department has suspended until further notice deliveries to Argentina of defense articles and services for which commitments were made prior to October 1, 1978.

Ambassador BOSWORTH. I would only issue one caveat, and that is I am not confident that we are now in a position to know what equipment was or was not used by the Argentine military in that operation that was conducted by them. I am not aware that we necessarily know all of the equipment that was used.

Senator DODD. But I bet you that we can find out. We are awfully good at finding out about some of the other arms getting into the area. I think we certainly could make a pretty good assessment of that. I think that would be an important piece of information.

Let me ask you as well about the Symms' resolution. Let us get back to that again. Since 1962, we passed the War Powers Act, to name a specific piece of legislation. Has the State Department or the administration specifically examined this resolution in light of the War Powers Act, and what conclusions have been drawn as a result of that assessment?

I presume you have assessed that resolution in the light of the War Powers Act. Are you answering yes?

Mr. MICHEL. Yes. Senator, is the question whether the Symms' resolution is——

Senator DODD. Was an assessment made of this resolution in light of the War Powers Act?

Mr. MICHEL. Yes, sir.

Senator DODD. Was there a written assessment of that?

Mr. MICHEL. No, sir.

Senator DODD. Who made that assessment?

Mr. MICHEL. The legal adviser's office reviewed the Symms' amendment in terms of the War Powers Resolution in order to make a judgment as to whether on its face it would affect the provision of the War Powers Resolution in any way, and we concluded that it did not.

Senator DODD. I would like, Mr. Chairman, for purposes of consideration—I am sure there will be more specific testimony on the part of the administration—that the prepared assessment by the State Department could be helpful to the committee.

Mr. MICHEL. We will be happy to provide that.

Senator DODD. Thank you very much.

[The material referred to follows:]

Relationship of the War Powers Resolution to the Symms Amendment to S. 2179

[SUBMITTED BY THE DEPARTMENT OF STATE]

Amendment No. 1334 to S. 2179 (the Symms Amendment) would reaffirm the policy of the Government of the United States in its relationship with the Government of Cuba, as set forth in Senate Joint Resolution 230 of October 3, 1962 (the Cuban Resolution).[1] The question has been raised whether the enactment of the Symms Amendment, which would reenact the Cuban Resolution, would have any legal consequences with respect to the operation of House Joint Resolution 542 of November 7, 1973 (the War Powers Resolution).[2] For the reasons discussed below, it is the opinion of this Office that the enactment of the Symms Amendment would have no consequences for the operation of the War Powers Resolution.

The War Powers Resolution established a system for involving the Congress in decisions to use the Armed Forces of the United States in hostilities. The basic elements of this system are set forth in sections 3, 4 and 5 of the Resolution, concerning consultations with, reporting to and action by the Congress, respectively.

Section 3 of the War Powers Resolution provides that the President shall consult with Congress in every possible instance before introducing U.S. Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and that he shall consult regularly following such an introduction. The operation of this section is not dependent upon any other legislation. Congress could, of course, enact exceptions to section 3 of the War Powers Resolution. However, no such exception, express or implied, is contained in the Symms Amendment.

Section 4 of the War Powers Resolution provides that the President must report in writing to Congress within 48 hours, and periodically thereafter, after U.S. Armed Forces are introduced into hostilities or into a situation where imminent involvement in hostilities is clearly indicated by the circumstances. Section 4 also requires a report when U.S. Armed Forces are introduced into foreign territory, waters or airspace while equipped for combat, with certain specified exemptions. According to section 4, these reporting requirements apply "in the absence of a declaration of war. . . ." [3] No other type of legislation affects these reporting requirements under the terms of the War Powers Resolution. Obviously, the Symms Amendment does not constitute a declaration of war. Nor does it contain any express or implied exception to the reporting requirements of the War Powers Resolution.

Section 5 of the War Powers Resolution provides, with certain specified qualifications and exceptions not material to the present analysis, that U.S. Armed Forces introduced into hostilities or a situation of imminent hostilities must be withdrawn within 60 days unless Congress "has declared war or has enacted a specific authorization for such use of United States Armed Forces. . . ." Section 5 also provides that Congress may at any time compel the removal of U.S. Armed Forces from hostilities outside the United States in the absence of a declaration of war or specific statutory authorization.[4]

The War Powers Resolution provides (in section 6) for special, expedited procedures for bills or resolutions intended to provide a declaration of war or specific statutory authorization as described in section 5. These special procedures appear to contemplate that such legislation would normally be introduced after U.S. Armed Forces had been introduced into hostilities or situations of imminent hostilities. However, the War Powers Resolution does not preclude the enactment of a declaration of war or specific statutory authorization before U.S. Armed Forces are so introduced.

If a statute were enacted that constituted specific statutory authorization for the President to use the U.S. Armed Forces in hostilities, section 5 of the War

[1] Public Law 87–733, 76 Stat. 697.
[2] Public Law 93–148, 87 Stat. 555.
[3] Declarations of war have historically taken the form of joint resolutions of Congress. See, e.g., 40 Stat. 1, 429 (1917); 55 Stat. 795, 796, 797, (1941); 56 Stat. 307 (1942).
[4] This memorandum is limited in its scope to the consideration of issues of statutory interpretation. Accordingly, it does not address any constitutional issues with respect to the War Powers Resolution.

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Powers Resolution would then cease to apply, according to its terms, with respect to the authorized activity. If U.S. Armed Forces were thereafter introduced into hostilities within the scope of the specific statutory authorization, the President would remain obliged to consult with Congress in accordance with section 3. He would also remain obliged to report to Congress in writing in accordance with section 4. However, the President would not be obliged to terminate the use of U.S. Armed Forces after 60 days and Congress would have no power to compel the removal of U.S. Armed Forces from hostilities by concurrent resolution under section 5.

Because the existence of specific statutory authorization would have the effect of superseding the limitations that would otherwise obtain under section 5 of the War Powers Resolution, it is necessary to consider whether the Symms Amendment would constitute such a specific statutory authorization.

An analysis of this question must begin with the rule of interpretation set out in section 8(a)(1) of the War Powers Resolution:

"Authority to introduce United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances shall not be inferred . . . from any provision of law (whether or not in effect before the date of enactment of this joint resolution) . . . unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and states that it is intended to constitute specific statutory authorization within the meaning of this joint resolution. . . ."

The legislative history of this provision makes clear that it was intended to apply to area resolutions such as the Cuban Resolution. The Senate bill [5] had provided that authority to introduce U.S. Armed Forces could not be inferred "from any provision of law *hereinafter enacted*" (emphasis added) unless it met specificity requirements comparable to those contained in section 8(a)(1) as finally enacted, quoted above. The report of the Committee on Foreign Relations noted the existence of several area resolutions (including the Cuban Resolution) and expressed the intention that "any future area resolutions, to qualify under this bill as a grant of authority to introduce the armed forces in hostilities, or in [hostile] situations . . ., must meet carefully drawn criteria—as spelled out in the language of [the bill]." [6] In conference, the rule of interpretation was expanded to cover any provision of law "whether or not in effect before the enactment of this joint resolution." Thus, there can be no question that the War Powers Resolution precludes the interpretation of the Cuban Resolution as an authorization to introduce U.S. Armed Forces into hostilities or into situations of imminent involvement in hostilities It is equally clear that the War Powers Resolution was intended to preclude such an interpretation of a future reenactment of any generally-worded resolution similar to the Cuban Resolution.

The interpretation of the Cuban Resolution by the Executive branch has been fully compatible with the interpretation thereof that is now compelled by section 8(a)(1) of the War Powers Resolution. The Executive branch has consistently regarded the Cuban Resolution as a statement of policy toward Cuba, and not as an authorization for the President to take any particular action. It has never been relied upon as the legal basis for any action. Even President Kennedy's proclamation of October 23, 1962, on interdiction of the delivery of offensive weapons to Cuba [7] relied upon the authority conferred upon the President "by the Constitution and statutes of the United States," and noted only that this action was "in accordance with" the Cuban Resolution. In 1970 the Department of State advised the Senate Committee on Foreign Relations that the Cuban Resolution and other area resolutions "contain significant recitals of basic principles of our policies in the affected areas" but that they were not considered as "evidence of Congressional authorization for or acquiescence in any new military efforts. . . ." [8]

In view of the past interpretation of the Cuban Resolution by the Executive branch and the rule of interpretation specified in section 8(a)(1) of the War Powers Resolution, a reenactment of the Cuban Resolution, as proposed by the Symms Amendment, could not in itself be regarded as a specific authorization to introduce U.S. Armed Forces into hostilities or situations of imminent hostilities. Of course, the Congress is not bound by the War Powers Resolution to use a par-

[5] S. 440, 93d Congress, 1st session (1973).
[6] S. Rep. No. 220, 93d Congress, 1st session (1973), pp. 23–24.
[7] Proc. No. 3504, 27 Fed. Reg. 10401.
[8] Letter from the Acting Assistant Secretary of State to the chairman of the Committee on Foreign Relations dated Mar. 12, 1970.

ticular form of words in enacting a future statutory authorization. Congress could manifest its intent in some manner. However, Congress would certainly be presumed to have legislated with knowledge of the standards it had adopted in the War Powers Resolution and with knowledge of the hitherto consistent interpretation of the Cuban Resolution as a statement of policy rather than as statutory authority for military actions. Accordingly, in the absence of a very clear and unambiguous indication of Congressional intent to depart from these standards and this past interpretation, the enactment of the Symms Amendment could not be construed as a statutory authorization to do that which had not been authorized by the identically-worded Cuban Resolution.

For the foregoing reasons, we conclude that enactment of the Symms Amendment would have no effect upon the President's duties to consult with and report to the Congress under sections 3 and 4 of the War Powers Resolution or on the rights and duties of the President or the Congress under section 5 of the War Powers Resolution.

Senator DODD. Mr. Chairman, there is a vote on, so I am afraid I had better terminate.

Senator PELL. There is a rollcall vote going on.

The record will stay open for 3 days for the submission of further questions. This hearing is adjourned.

[Additional questions and answers follow:]

STATE DEPARTMENT'S RESPONSES TO ADDITIONAL QUESTIONS SUBMITTED FOR THE RECORD

Question 1. What criteria will the FDR/FMLN have to meet to satisfy the Administration on negotiations?

Answer. We remain opposed to direct negotiations with the extreme left on the sharing of power outside the electoral process. We also believe, however, that the Government of El Salvador should offer, to those elements of the extreme left who might wish to do so, the opportunity to participate peacefully in the democratic political process now underway.

Question 2. What are the positions of the Salvadoran political parties on the issue of negotiations?

Answer. None of the parties has endorsed the concept of direct negotiations on the sharing of power.

Question 3. What is going to be necessary to achieve a cease-fire in El Salvador?

Answer. In order for the fighting to end, a significant number of the extreme left are going to have to lay down their arms and agree to peacefully participate in the democratic process.

Question 4. Is the Administration prepared to make negotiations an essential element in our relationship with the new government in El Salvador?

Answer. We have made it clear to all parties concerned our hope that the new government would provide opportunities for the left to participate in the democratic process.

Question 5. In what direction does the Administration anticipate the Salvadoran conflict will develop in the absence of negotiations?

Answer. We believe that the ability of the FDR/FMLN to continue its campaign of violence will gradually weaken as the following events unfold:

(1) Some members of the left join in the electoral process.

(2) The Salvadoran military, with U.S. assistance, becomes even more successful in countering guerrilla activities.

(3) The success of the reform programs further undercuts any appeal of the leftist ideological rhetoric.

(4) The continuation of widespread participation in the democratic political process, as first demonstrated by the March 28 elections, makes it increasingly apparent to the left that they have no real popular support.

Question 6. Please respond to press reports that the Administration is not really interested in conducting negotiations with Nicaragua.

Answer. Such reports are inaccurate. Since the first days of Sandinista rule in Nicaragua, the United States made many efforts to develop a constructive dialogue with the GRN. Most recently, in August 1981, we presented the GRN with a series of proposals intended to improve our relations and genuinely meet their and our concerns. This effort has continued. The eight-point plan which our Ambassador presented to the GRN in early April was the latest such attempt. Their

response was more procedural than substantive. We have evaluated their response to our plan and responded in the last week of April to the GRN. We are now awaiting the Nicaraguans' response.

Question 7. What is the current time-table for negotiations with the Nicaraguan Government?

Answer. There is no rigid time-table as such. The ball is now in the Nicaraguan court. We have substantively addressed their concerns and we are awaiting their reply to our late April response.

Question 8. Are you satisfied with the Nicaraguan response to the Administration's eight-point proposal?

Answer. Not completely. We found the GRN's response to be more procedural than substantive in nature and we have so informed them. We are hopeful that the next Nicaraguan response will be more substantive.

Question 9. Do you feel positive that the Administration can be satisfied on points such as Nicaraguan policy toward the Salvadoran guerrillas and Cuban military influence in Nicaragua?

Answer. That depends completely on the Nicaraguans. We have repeatedly told them that progress on these points is essential to the improvement in our bilateral relations.

Question 10. Is the United States prepared to move strongly against camps in this country where anti-Sandinista guerrillas are training?

Answer. Our laws are very clear on the matter, and the U.S. Government has repeatedly affirmed its intent to enforce the Neutrality Acts and other pertinent legislation. Details on such enforcement must come from the Justice Department.

Question 11. Please characterize the nature of discussions held thus far with Cuban officials.

Answer. In our discussions, we have made clear our position with respect to Cuba's international behavior. There should now be no doubt in the Cuban leadership as to which of Cuba's actions we find objectionable. We do not feel anything is to be gained by going further into the substance of diplomatic exchanges.

Question 12. What are U.S. objectives in dealing with Cuba?

Answer. We would like Cuba to stop promoting armed violence and to withdraw its troops from Angola and the Horn of Africa. Were Cuba to do so, the world community would recognize those actions as demonstrating Cuba's desire to play a more responsible world role.

Question 13. Are discussions with Cuba focusing on the situation in Central America or are they including the wide range of issues which include Cuban forces in Africa and the U.S. embargo?

Answer. They have been wide ranging, but we prefer not to be more specific about confidential diplomatic exchanges.

Question 14. Was there an options paper circulating within the Administration on Cuba or Nicaragua and/or involving El Salvador? If so, what were the results of the paper?

Answer. The Administration continuously reviews possible policy options pertaining to numerous countries around the world. The results of these deliberations are reflected in the policies and actions pursued, and the Administration of course takes into careful account the views of the Committee and Congress as a whole in the development of these policies.

Question 15. The President seems to have ruled out the use of military force but Secretary Haig seems to have not. Is direct military intervention in Cuba, Nicaragua or El Salvador an option?

Answer. The President has said that we do not envisage U.S. combat operations in any countries.

Question 16. Was the Administration planning to consult with this Committee on the range of options?

Answer. Through hearings such as this, as well as through views of and consults with the Committee on numerous hemispheric issues, and will continue to do so.

Question 17. Please respond to concerns of many in this country regarding the press reports that there is a U.S.-financed covert operation planned or underway in Central America?

Answer. As a long-standing policy, we do not comment on allegations of this kind.

Question 18. Is the Administration interested in allaying Nicaraguan Government fears that such a plan exists?

Answer. The Nicaraguan Government has never asked the United States to allay its presumed fears over the plan mentioned in the press reports.

Question 19. Please respond to reports that the Government of Argentina is involved in U.S.-sponsored operations in Central America?

Answer. As a matter of long-standing practice, we do not respond to allegations of this kind. We would note, however, that the Government of Argentina on several occasions has denied reports of military involvement in Central America.

Question 20. Some have related the increasing number of U.S. military advisors in Honduras and new agreements to improve Honduran air fields with U.S. operations in Central America, particularly in Nicaragua. Please respond to these concerns.

Answer. U.S. military security assistance training and technical teams have been requested by the Honduran government to assist in the improvement of the Honduran Armed Forces' defense capabilities. They are helping the Hondurans in such areas as aircraft maintenance, communications, and patrol craft maintenance. Negotiations are currently underway with the Honduran Government on the use of U.S. military construction funds for the improvement of certain airfield facilities and access by the United States to those facilities for training, search and rescue, and similar military activities. Those negotiations have not yet concluded. Both the modest increase in our security assistance personnel and the U.S. interest in adequate airfield facilities are of course related to our concern, and the Honduran Government's concern over the increased threat to democratic governments and political stability in Central America.

Question 21. What is the position of the rightist parties toward the reforms undertaken by Duarte and the military?

Answer. None of the parties currently holding seats in the Constituent Assembly have advocated repeal of the reforms. We have every expectation that the new government of National Unity will remain committed to the process of economic and land reform.

Question 22. What has been the role of the U.S. Government in the Salvadoran coalition building process?

Answer. We have not interjected ourselves directly into that process. We have, however, made it clear that further U.S. assistance is contingent upon the new government's credible commitment to land reform, political reform, and its ability to make progress in controlling violence and eliminating abuses of authority by official security forces.

Question 23. The Administration seems to be uncharacteristically silent on the new Rios Montt government in Guatemala. What is the present policy toward the junta?

Answer. Our two countries maintain friendly relations. We exchanged notes to that effect shortly after the new government came to power on March 23. The new government has publicly committed itself to improve the human rights situation and end corruption in Guatemala. We are hopeful that this will lead to a better relationship between our two countries.

Question 24. Has the Embassy in Guatemala been in close contact with the Rios Montt junta? What is their assessment?

Answer. Since the coup the Embassy has been in frequent contact with the junta leadership, including Rios Montt, as well as the new ministers of government. We have also met with the Ministers of Foreign Relations, Finance, and Economy during their visits to Washington. The Embassy shares our assessment that this new government is disposed to take a strong stand on human rights.

Question 25. Has the government requested anything from the United States?

Answer. The junta has not formally requested new security or economic assistance from us. There is a long pending request to purchase helicopter and aircraft space parts and assorted other items.

Question 26. What is the extent of support for the new government among the military, the political parties, the general populace?

Answer. The coup appeared to have strong popular support. Any comment about specific support or opposition to the junta would best be discussed in a closed session.

Question 27. Are reports that Rios Montt advocates diplomatic relations with Cuba and Nicaragua accurate? How far would such relations likely go?

Answer. Guatemala already had diplomatic relations with Nicaragua prior to the coup. We have no information to indicate that the new government plans to initiate diplomatic relations with Cuba.

Question 28. Is the Administration planning any positive moves toward the regime? What criteria does the Rios Montt government have to satisfy before a normal relationship can begin?

Answer. We have noted, as have many in Congress and in the press, that the new government in Guatemala is taking positive measures to end violence, human rights abuse and corruption. We think these positive actions, which represent a break with the past Guatemalan government attitudes, should be recognized and encouraged. For that reason, we are studying carefully the situation and considering various actions we might appropriately take in response to the steps being taken in Guatemala.

Question 29. Does the Cuban Resolution of 1962 still represent an adequate description of our policy toward that country? If you were drafting a resolution from scratch today, would you want to revise or add to it in any way?

Answer. The 1962 Resolution reflects the policy of the Reagan Administration. We would not recommend any revisions.

Question 30. Do you think it would be helpful for Congress to pass the same or a similar resolution at this moment?

Answer. We see no harm in passage of the same resolution at this time.

Question 31. What would be the legal effect of repassage of the 1962 Cuba Resolution? In particular, would such new legislation constitute "specific" authorization for U.S. military action under the War Powers Resolution?

Answer. Several U.S. Administrations have noted the Department of State views that the Cuba Resolution, as a statement of policy, is unlike other legislation affecting Cuba in that it has no substantive effect upon the power of the legislative and executive branches with respect to matters involving relations between Cuba and the United States. The Executive Branch has not depended on Public Law 87–733 as legal or constitutional authority for measures that have been taken in this regard.

Question 32. What would you expect the reaffirmation of the Cuba Resolution to be perceived in Moscow and Havana? Soviet President Brezhnev recently made an implied threat to retaliate for the deployment of Pershing missiles in Europe by comparable actions elsewhere. Do you have any further information that such a response might include the installation of missiles in Cuba?

Answer. Reaffirmation of the 1962 Resolution would probably be perceived in the Soviet Union and Cuba as confirming U.S. resolve to counter Soviet backed Cuba adventurism. With regard to President Brezhnev's statements, however, we do not believe he was referring to re-installation of missiles in Cuba.

Question 33. Is it the view of the Administration that the Soviets have refrained since 1962 from stationing nuclear weapons in Cuba?

Answer. This is an intelligence issue of the highest importance to this Administration. There is no evidence that there are nuclear weapons in Cuba at this time.

*Question 34.*What do you expect would be the perception of reaffirmation of the Cuban Resolution in countries such as Mexico, Nicaragua, El Salvador and Venezuela? Would you expect it to affect any of our diplomatic or economic efforts in the region?

Answer. Since this would not represent a departure from the past, we assume these nations would see reaffirmation of the Cuba Resolution as continuing evidence the U.S. will not tolerate Cuban subversion and export of armed violence. We would not expect it to affect our economic and diplomatic efforts since it has no substantive effect on the power of the legislative and executive branches with respect to matters involving relations between the United States and Cuba.

Question 35. Both Senator Byrd's amendment and the proposal of Senators Dodd and Tsongas would prevent the use of U.S. combat forces in El Salvador without specific authorization from Congress. Does the Administration have a position to the constitutionality of such restrictions?

Answer. This proposal would raise serious constitutional questions with respect to the limitation of the President's authority under the Constitution concerning foreign affairs and as Commander-in-Chief of U.S. Armed Forces. We believe that it would be unwise to adopt a proposal which presents such fundamental constitutional issues when present procedures for Congressional involvement are perfectly adequate.

Question 36. Apart from its potential impact upon the War Powers Resolution, what is the Administration's view on Senator Byrd's proposal S. 2179?

Answer. This Administration has no intention of committing U.S. Armed Forces to combat in El Salvador or anywhere else in Central America. We nonetheless believe it would be unwise to limit the President's flexibility in responding to possible future emergency situations which might seriously affect U.S. national security interests in this vital region. We also believe that passage of this proposal would downgrade the integrity and usefulness of the War Powers Resolution by beginning a process of reopening and amending its text to deal with specific foreign situations. This would easily lead to making the Resolution an object of continuing amendment and political controversy.

Question 37. Given the range of possible developments in El Salvador, can you imagine circumstances under which we might wish to introduce U.S. combat forces? Assuming that neither of the pending proposals was in force, what is your understanding of the present procedures for Congressional involvement in a decision to introduce combat forces into El Salvador?

Answer. An escalation of American involvement in El Salvador is unlikely. American troops are not wanted, needed or appropriate to the struggles going on in Central America. The Salvadoran military, with our limited assistance, is quite capable of fighting its own battles. The Government of El Salvador has made it clear that it neither needs nor wants U.S. troops to carry out the anti-guerrilla campaigns.

If neither of the pending proposals were in force, the current provisions of the War Powers Resolution would require: (1) a report to Congress within 48 hours after the introduction into El Salvador of any U.S. forces equipped for combat; and (2) prior consultation with Congress in every possible instance, and a report to Congress within 48 hours, in the event that any U.S. forces were introduced into hostilities in El Salvador or into any situation where their imminent involvement in hostilities is clearly indicated by the circumstances. This Administration intends to comply fully with these provisions should they become applicable.

Question 38. Do U.S. military trainers now in El Salvador carry M–16 rifles? Is consideration being given to permitting those personnel to do so? Would such a decision require reporting under any existing provisions of law?

Answer. U.S. military security assistance personnel are not authorized to carry weapons other than individual side arms in the field in El Salvador. The question of the security of all USG personnel in El Salvador is of course under continuing review. Should it be determined at some point that under certain circumstances, weapons other than individual side arms would be authorized, Congress would be consulted as appropriate and all applicable laws would be complied with.

Question 39. Would you comment generally on the proposed Dodd-Tsongas amendment to the Foreign Assistance Bill regarding Central American assistance? Which aspects of their proposal would not be a problem for the Administration or would reflect existing law?

Answer. This amendment would require specific Congressional authorization, among other things, for any provision of additional security assistance and any further arms sales or financing for any of the countries of Central America. This resolution could severely inhibit U.S. programs in the area, and would apparently require advance Congressional approval for the number of personnel to be assigned to each country, the amounts to be provided for each project and country, the value of defense articles to be sold by the United States or licensed for commercial export to each country, and other details not presently subject to Congressional approval for any country. This would make it very difficult even to manage non-controversial programs in the area, such as assistance programs in Costa Rica and Honduras, let alone to respond to urgent changes in curcumstances which will inevitably occur in this volatile and troubled region. We believe that the current provisions of the Foreign Assistance Act and current procedures for Congressional approval of funding levels and review of programs ensure adequate Congressional involvement in the formulation of these programs and appropriate Congressional oversight of their implementation. We believe it would be inappropriate for Congress to undertake the management of individual programs as envisioned by the Dodd-Tsongas amendment.

Question 40. How would the passage of such a proposal be perceived by the governments of the Central American countries concerned?

Answer. To the extent that the proposal would limit our ability to manage security assistance programs and to respond quickly to changing events in the region, the countries concerned would perceive the proposal as a significant lessening of the U.S. commitment to help them resist pressures by externally supported leftist forces.

Question 41. Multilateral development banks provide more funding to this region than we do, and for every U.S. dollar channeled through the banks, we can attract two or three more from other sources. Does it make sense for us to reduce our support for the banks at this time and then increase our bilateral support?

Answer. In the current negotiations for the next replenishment of IDB resources, we are seeking to reduce the level of FSO lending, but we also propose that future FSO lending be reserved for countries with the greatest need, which are mostly in the Caribbean Basin. Futhermore, we expect overall lending by the IDB to continue to increase. Lending from the multilateral development banks (MDBs) is qualitatively different from the additional resources we are requesting for the CBI, in that it is intended for medium to long term development investments, while the ESF program we are proposing will aim at relieving the current serious liquidity crisis and revitalizing the private sectors.

Question 42. Many of the Caribbean countries have experienced major capital flight. What is the magnitude of that capital flight? Does the assistance begin to offset such capital flight? To what extent do you envisage the CBI attracting domestic private capital back to these countries?

Answer. Although there have been numerous widely publicized guesses at the magnitude of capital flight from the Caribbean Basin, there is in fact no meaningful measure of it. Some of the money which has left the Basin is pure capital flight. The best example is perhaps the capital flow from El Salvador in 1979 and 1980, as some Salvadorans moved funds to escape the reforms and the violence. In other cases, capital has moved due to interest rate differentials, or because of a fear of devaluation. Neither of these latter movements is really capital flight any more than flows from Western Europe to the U.S. in search of higher interest rates would generally be considered capital flight.

Aside from these conceptual problems in separating true capital flight from income motivated capital flows, there is the equally difficult problem that much capital flight takes place through mechanisms which never appear on recorded balance of payments documents. In sum, we can say that capital flight exists, but we cannot measure it. We can, however, work effectively to reduce it by reducing or eliminating its causes.

The only absolute guarantee against capital flight is the existence of a peaceful and prosperous local environment. We cannot immediately create such a perfect environment ourselves. We can, however, take a number of steps which will minimize capital flight and which should ultimately reverse the flow. First, we will work with recipient governments to create incentives for local business to keep money in their own economies. Second, the very existence of a major U.S. commitment to the region will help to reassure the private sector and build the confidence which is necessary to eliminate capital flight. Finally, the trade, investment and other measures in the CBI will open many real opportunities for investment and growth by the Basin private sector. Taken together, we believe these measures will minimize and finally reverse capital flight.

Question 43. The Administration's presentation suggests that some of the concessional assistance will be used to help stimulate private sector growth in the Caribbean Basin. Can you give examples of what you mean by this? What specific projects do you envisage?

Answer. According to our own analysis and the opinions of Caribbean Basin private sector leaders, the most critical impediment to production and growth in the region is credit, particularly foreign exchange credit. Essentially all of the ESF requested in the Supplemental portion of the CBI will be directed at supplying that much-needed credit so that vital imports of spare parts and raw materials will be available. By supplying necessary working capital, already existing but underutilized land, plant and equipment can be put back to work. Production and exports will increase, unemployment will decline and new savings will be transformed into new investment. With that stimulation, private sectors will grow.

Because credit allocation mechanisms already exist in the form of local banking systems, the project approach is neither necessary nor desirable. We expect to use existing banking systems, whose managers know their own economies well, to allocate credit under normal commercial terms and with normal commercial guarantees. There will, of course, be oversight by central banks and USAID to ensure that the money is used in accordance with our policy goals. No new bureaucracy will be necessary.

AID is also continuing and intensifying those of its programs which directly improve private sector production. For example, in the Eastern Caribbean we have launched a Project Development Assistance Program (PDAP) with DA funds. The PDAP project places a consultant on each of the Eastern Caribbean islands who will assist the island governments in investor search and investment promotion planning. The consultants will also assist new investors in locating suitable factory sites, and in smoothing the start-up process.

In Central America, AID has designed a number of projects which we consider quite significant. In Honduras, for example, there is a new credit program which will result in more widely available credit to small and medium farmers. Agricultural production and exports will increase and a better standard of living for local farmers will result.

In Costa Rica, AID is supporting an export promotion program which has great potential. The program involves working capital and investment credit for export oriented firms. At a later stage, there will also be technical assistance to improve Costa Rica's export marketing capabilities. AID is also contributing to training programs throughout the region which will directly improve the efficiency of local private sectors. More generally, AID is working with each government in the region to remove impediments to growth. By breaking through bottlenecks to investment and production, private sector capacity will be enhanced and the potential for lasting development improved.

Question 44. The largest recipient of U.S. foreign assistance in the late 1960's and late 1970's was Vietnam. Today we have nothing to show for the massive funds invested in that country. Under the CBI, El Salvador is the major recipient of funds. Does it seem wise to channel so much of the available resources to El Salvador?

Answer. In El Salvador, as in the other countries which will receive funds from the Supplemental, the allocation was based upon our projection of the magnitude of the problem. After suffering a cumulative loss in GDP of some 25 percent over the past three years, El Salvador this year faces a current account deficit of $362 million and an overall balance of payments gap of $197 million. Even with the full amount of assistance expected from other donors and the amount we propose in the Supplemental, the country will be hard pressed to avoid another drop in GDP. El Salvador is receiving less assistance per capita than several other Basin countries, in spite of the fact that it has suffered a substantially more severe economic decline than any other country in the Basin.

Question 45. Do you perceive that there is still a chance for economic development and private sector growth to take place in El Salvador, or is money going to that country merely serving a holding function?

Answer. Money going to El Salvador will increase production, increase exports and increase employment over what they would be without our help. Our assistance through the Supplemental, combined with the already-programmed U.S. Development Assistance, will help maintain the economy and establish the foundation for future equitable growth and political stability. We are trying to help keep the economy functioning and to preserve the middle class while the country undergoes the trauma of a civil war, a major program of economic reforms and a difficult process of democratization. I believe that is substantially more than a mere "holding operation."

Question 46. Do you perceive economic returns from the investment in El Salvador in the short run? Would it not be better to invest the $300 million that will go to El Salvador in the fiscal year 1982–1983 time period in countries like Costa Rica or Jamaica?

Answer. As I mentioned earlier, we do expect increased production, exports and employment from our assistance to El Salvador. Given the scarcity of working capital in El Salvador, the economic return there will be at least as high as it would be elsewhere in the region.

In this Supplemental, and in AID's fiscal year 1982 and 1983 Development Assistance budgets, we have already allocated substantial aid to Costa Rica, Jamaica and other countries in the Basin. We believe that our planned assistance, combined with that of other bilateral donors, the IDB and the IBRD, will be of substantial help to those countries as they seek to reinvigorate their economies. Our aid to them, like the aid we propose for El Salvador, is based on our projections of their needs. We do not believe that their requirements are greater than those of El Salvador, or that a higher overall return would result from reallocating the funds so desperately needed in El Salvador.

Question 47. All of the countries in the region are heavy energy importers and suffer from severe deforestation problems. Will some of the funds in concessional assistance package be used in energy assessment and special alternative energy programs to decrease regional reliance on imported petroleum?

Answer. Funds from the Supplemental are intended to respond to an urgent balance of payments shortfall by providing the spare parts and raw materials necessary to reinvigorate local industry and agriculture. We therefore do not expect to use the Supplemental funds for longer-term special developmental projects. AID already has a program of several years' standing which is addressing the need for alternative energy programs. In FY 1982, for example, AID's energy programs in the Basin are receiving $28 million in support. We recognize the importance of these programs and expect to continue them.

Question 48. The Caribbean Basin is a region of high population growth and underemployment. One result of these two trends is heavy migration to the United States. What is the attitude toward population planning in the Caribbean Basin countries? Will some of the aid resources be used to expand efforts in the population area?

Answer. For some years now, AID has been working with a number of Basin countries in population planning. These existing programs are well thought out and are based upon a great deal of experience. We expect that AID will continue the population planning programs and to fund them, as before, from the Development Assistance budget.

Question 49. Some concern has been expressed that the controversy over El Salvador could undercut the whole CBI package in Congress. Might it have made more sense to split off the $128 million for El Salvador as a separate supplemental, thereby making the CBI much less political?

Answer. The CBI legislation proposes an integrated program of assistance, trade concessions and investment incentives for all the countries of the Caribbean Basin. No country or piece of the program can be broken out of the program and treated separately without destroying the essential unity of the program. The economies of Central America are interrelated through trade and in the minds of the world bankers, who increase or decrease lending to all countries in relation to the general situation in any one Central American economy. The problems cannot be solved in isolation. The countries cannot be considered in isolation. There are a number of countries about whom there has been controversy in the Basin, but we do not know of any sound reason why any of these various political considerations should be allowed to destroy the unity of an essentially economic program.

Question 50. The fiscal year 1983 request shows a $20 million reduction for economic aid to Nicaragua. If current talks with Nicaragua are successful, would additional aid be provided?

Answer. We have submitted an eight-point proposal to Nicaragua that we feel is reasonable, balanced, and, if adopted, would alleviate their fears and our concerns. However, no part of the agreement will be adopted unless all eight points are agreed upon, and, more specifically, unless Nicaragua ceases its support for the Salvadoran guerrillas and for destabilization in neighboring countries. That point remains the sine qua non of our proposal.

One of the eight points proposes a new economic relationship with the government of Nicaragua. This point, if adopted, would allow Nicaragua to benefit from the additional trade concessions, private investment, and other aspects of our Caribbean Basin Initiative. In addition, the United States Government would ask the Congress to re-establish direct aid to the Nicaraguan Government. If our current talks with the Nicaraguans are successful on all points and the Congress agrees, the United States would re-establish aid to the Nicaraguan Government.

Question 51. The final year 1983 request provides for $50,000 in military training for both Argentina and Chile. This would require two Presidential certifications. Are these certifications likely to be made in view of: (1) Argentina's attack on the Falkland Islands, and (2) the Justice Department's concern that Chile has not met the certification criteria in the Letelier case?

Answer. Secretary Haig's April 30 announcement made clear our position on Argentine certification. The review of all aspects of the Chilean certification question, including the Letelier case, is continuing, but no decision has been reached.

Question 52. Given the initial positive steps taken by the new Guatemalan government in the human rights area, is there a timetable for seeking renewal of military assistance to Guatemala?

Answer. I would agree that the situation in Guatemala seems to have improved. We are continuing to monitor the situation closely and hope that eventually United States-Guatemalan relations will become fully cooperative. However, no decision has yet been made on extending security assistance to that country.

Question 53. For what purpose are U.S. military construction funds to be used in Honduras? Why is this program not included in the military assistance program? Are additional programs planned elsewhere in the Caribbean Basin? What is the total amount of the proposed program for Honduras, and what, precisely will be entailed in the airfield expansion and related programs?

Answer. The Department of Defense has requested $21 million in fiscal year 1983 budget to improve certain Honduran airfield facilities in return for an agreement permitting access by U.S. aircraft to those facilities. The funds, if appropriated by the Congress, would be for infrastructure improvements which could not normally be funded under Foreign Military Sales credits. No other airport improvement programs are contemplated elsewhere in the region at this time. The agreement with Honduras is still under negotiation, and details of the construction project have not yet been fully worked out. However, we do not envisage the construction of major new facilities but rather the extension of runways and limited related construction.

Question 54. What additional programs are planned for El Salvador? How is the additional $35 million requested for fiscal year 1982 to be spent? How is the $60 million for fiscal year 1983 to be allocated? Does the Salvadoran military have the absorptive capacity for programs of the magnitude planned?

Answer. The $35 million supplemental request for MAP grant is designed to meet the immediate materiel and training needs of the Salvadoran armed forces in the critical months ahead as their newly elected representatives grapple with the problems of democratic rule. It will be used to equip expanded force levels, including an additional rapid reaction battalion, enhance the command and control system, improve naval interdiction capabilities through the purchase of additional small coastal patrol craft, and upgrade logistics and other support units. We believe the government of El Salvador plans to use the $60 million of fiscal year 1983 FMS loans and direct credit to purchase helicopters, patrol craft, transport vehicles, engineering equipment, weapons and ammunition. El Salvador can absorb and use this equipment because most of the materiel is the same kind of equipment with which the Salvadoran forces have become familiar.

Question 55. What types of equipment is foreseen in the El Salvador programs? What type of additional aircraft are planned, in particular?

Answer. We are making available helicopters and fixed wing aircraft of a similar type to those lost during the January attack on Ilopango airbase. These include UH1H helicopters, C–123 transports, A–37 ground support aircraft, and O–2 reconnaissance aircraft.

Question 56. Will countries from the Caribbean Basin and South America be included in the Anti-terrorism Training Program? Which ones?

Answer. No final decisions have been made on which countries would be included in the counter-terrorism training program if it is approved and funded by the Congress. We would anticipate that certain countries in the Hemisphere which share our concern about the threat of international terrorists and which have expressed an interest in such training would be given the opportunity to participate in the program.

[Whereupon, at 4:25 p.m., the committee adjourned, subject to call of the Chair.]

U.S. POLICY IN CENTRAL AMERICA AND THE CARIBBEAN, S. 2179, INCLUDING CONSIDERATION OF AMENDMENTS 1334 to S. 2179; S. 2243; S. 2370; AND S.J. RES. 158

TUESDAY, APRIL 27, 1982

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 9:38 a.m., in room 4221, Dirksen Senate Office Building, Hon. Charles H. Percy (chairman of the committee) presiding.

Present: Senators Percy, Helms, Hayakawa, Kassebaum, Pressler, Pell, Biden, Glenn, Tsongas, and Dodd.

The CHAIRMAN. This is the second day of hearings on U.S. policy in Central America and the Caribbean. We will be receiving statements today from several Senate colleagues on legislation they have proposed for this region.

Senator Symms, we are delighted to have you with us again to discuss your amendment on Cuba with the committee. We hope to give a full airing to this issue, as I promised in our earlier discussion.

I understand that Senator Robert Byrd is scheduled to stop by later in the morning to discuss his amendment to the War Powers Act.

Senators Dodd and Tsongas may want to lead some direct discussion of their amendments, also.

As I noted last week, these hearings are intended to bring us some fresh insights into our relations in the region and into the most effective policies for dealing with the myriad of political, economic, and social problems that confront the countries of the Caribbean Basin.

We seem to have heard somewhat less of the troubles of this region in the past week. But that is only because another area, the South Atlantic, has presented us with an even more perplexing and immediate challenge. But the problems of Central America and the Caribbean have not gone away. The process of organizing an interim government in El Salvador continues. I believe we are all concerned lest the political process launched with the March election be stalemated by party rivalries.

Tomorrow morning, we will be meeting with the executive branch in a consultation on our policies in Guatemala and the seemingly positive changes taking place in that country right now. There are some hopeful signs that Nicaragua is interested in discussing relations with the administration and so on around the region.

Most importantly, the underlying political and economic underdevelopment of this region remains the principal problem confronting

the United States, our friends Mexico, Venezuela, and the governments of each and every country in the region. Those problems deserve our close attention and serious consideration.

In this regard, we have asked William D. Rogers to speak to the committee on both the general political and economic contexts in which our Central American and Caribbean policies play, and to speak as well to the usefulness and appropriateness of the several legislative proposals the committee will be marking up in the next week.

Bill Rogers' counsel is much appreciated on these issues. He speaks from extensive experience, working in the region both in private law practice and, previously, as AID Administrator for Latin America, then as Assistant Secretary of State for Latin America and as Under Secretary of State for Economic Affairs.

It is a great pleasure to welcome Secretary Rogers back.

We will now have our distinguished colleague, Senator Symms, testify on his own resolution.

I think the administration has made clear its support, and I felt, as chairman of the committee, with the Senate concurring, that it would be most appropriate to take up the Symms resolution after these hearings had been arranged. But we have expedited the markup of any resolutions or legislation.

[Text of S. 2179, amendment 1334 to S. 2179, S. 2243, S. 2370, and S.J. Res. 158 follows:]

97TH CONGRESS
2D SESSION

S. 2179

To amend the War Powers Resolution to require specific authorization before the introduction of any United States Armed Forces into hostilities in El Salvador, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 8 (legislative day, FEBRUARY 22), 1982

Mr. ROBERT C. BYRD (for himself, Mr. PELL, Mr. HATFIELD, Mr. MELCHER, Mr. RANDOLPH, Mr. RIEGLE, Mr. MITCHELL, Mr. PROXMIRE, Mr. FORD, Mr. LEVIN, Mr. KENNEDY, Mr. DIXON, Mr. METZENBAUM, Mr. INOUYE, Mr. HUDDLESTON, Mr. TSONGAS, Mr. LEAHY, Mr. DODD, Mr. MATSUNAGA, Mr. BUMPERS, and Mr. PRYOR) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To amend the War Powers Resolution to require specific authorization before the introduction of any United States Armed Forces into hostilities in El Salvador, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "War Powers Resolution Amendments of 1982".

(b) The War Powers Resolution (Public Law 93–148) is amended—

(1) by redesignating sections 9 and 10 as sections 10 and 11, respectively; and

(2) by inserting after section 8 the following:

"PROHIBITION ON THE INTRODUCTION OF UNITED STATES ARMED FORCES INTO EL SALVADOR

"SEC. 9. (a) Notwithstanding any other provision of this joint resolution, United States Armed Forces shall not be introduced into El Salvador for combat unless—

"(1) the Congress has declared war or enacted specific authorization for such use of United States Armed Forces; or

"(2) such introduction of United States Armed Forces is necessary—

"(A) to meet a clear and present danger of hostile attack upon the United States; or

"(B) to meet a clear and present danger to, and to provide essential and immediate evacuation of, citizens of the United States.

"(b) If the United States Armed Forces are introduced into El Salvador pursuant to grounds set forth in clause (A) or (B) of subsection (a)(2), the President shall describe such grounds in the report required by section 4(a).".

AMENDMENT NO. 1334

Purpose: To reaffirm the 1962 joint resolution concerning the Monroe Doctrine, the Rio Treaty, and the threat of Soviet-Cuban aggression in the Western Hemisphere.

IN THE SENATE OF THE UNITED STATES—97th Cong., 2d Sess.

S. 2179

To amend the War Powers Resolution to require specific authorization before the introduction of any United States Armed Forces into hostilities in El Salvador, and for other purposes.

March 9 (legislative day, February 22), 1982

Referred to the Committee on Foreign Relations and ordered to be printed

AMENDMENT intended to be proposed in the nature of a substitute by Mr. SYMMS (for himself, Mr. HELMS, Mr. DENTON, Mr. MATTINGLY, Mr. HAYAKAWA, Mr. THURMOND, Mr. EAST, and Mr. GOLDWATER)

Viz: Strike all after the enacting clause and substitute the following:

That it is the policy of the Government of the United States to continue in its relations with the Government of Cuba the policy set forth in the joint resolution entitled "A joint resolution expressing the determination of the United States with respect to the situation in Cuba", passed by the Senate on September 20, 1962, and by the House of Representatives on September 26, 1962, and signed into law by the President on October 3, 1962 (76 Stat. 697), as follows:

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Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "To extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and

Whereas the international Communist movement has increasingly extended into Cuba, its political, economic, and military sphere of influence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

97TH CONGRESS
2D SESSION

S. 2243

To condition United States military support for El Salvador on participation by the Government of El Salvador in negotiations with all major parties to the conflict which are willing to engage, without preconditions, in such negotiations for the purpose of achieving a cease-fire and an equitable political solution to the hostilities.

IN THE SENATE OF THE UNITED STATES

MARCH 18 (legislative day, FEBRUARY 22), 1982

Mr. HATFIELD (for himself, Mr. WEICKER, Mr. KENNEDY, and Mr. EAGLETON) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To condition United States military support for El Salvador on participation by the Government of El Salvador in negotiations with all major parties to the conflict which are willing to engage, without preconditions, in such negotiations for the purpose of achieving a cease-fire and an equitable political solution to the hostilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620F. UNITED STATES MILITARY SUPPORT FOR EL SALVADOR.—(a) The Congress notes—

"(1) the offer of the Bishop of San Salvador, Rivera Y Damas, to serve as a mediator between the warring factions in El Salvador;

"(2) the prompt acceptance of that offer by the President of El Salvador, Napolean Duarte;

"(3) the publicly-stated position of the Revolutionary Democratic Front (FDR) and the Farabundo Marti Peoples' Liberation Front (FMLN) that they will commence negotiation without preconditions;

"(4) that both the FDR–FMLN and the Government of El Salvador agree that fair elections conducted with effective guarantees can serve as an important component of a political solution to hostilities;

"(5) that the election process now underway in El Salvador is not scheduled for completion until mid-1983;

"(6) that the President of Mexico, stating his friendship and alliance with the United States, has publicly expressed a willingness to facilitate a negotiation and a resolution of the Salvadoran crisis and has further offered to provide guarantees that the principal concerns of the United States will be honored;

"(7) the traditional desire of the people of the United States for peaceful, rather than violent, resolution of conflict; and

"(8) that postponement and delay can only lead to more suffering among the people of El Salvador and further polarization of the conflict.

"(b) United States military support for El Salvador may not be provided after the end of the forty-five day period beginning on the date of enactment of this section unless the President transmits to the Congress, at the end of that forty-five day period, a report certifying that—

"(1) the Government of El Salvador is actively engaged in good faith in a negotiation process to achieve a cease-fire and an equitable political solution to hostilities with all major parties to the conflict in El Salvador which are willing to participate, without prior conditions, in such a negotiation process; or

"(2) the Government of El Salvador cannot proceed with such a negotiation process because the FDR and the FMLN are not willing to participate without prior conditions."

In making the determination required by this subsection, the President shall consult with the Congress.

"(c) As used in this section, the term 'United States military support for El Salvador' means—

"(1) the obligating of funds for assistance for El Salvador under chapter 2 or 5 of part II of this Act, and the issuing of letters of offer, extending of credits, or issuing of guarantees for El Salvador under the Arms Export Control Act;

"(2) the assigning of detailing to El Salvador of members of the United States Armed Forces to perform defense services under this Act or the Arms Export Control Act, to conduct international military education and training under chapter 5 of part II of this Act, or to perform international military assistance and sales management functions under section 515 of this Act; and

"(3) the assigning or detailing to El Salvador, or other introduction into El Salvador, of members of the United States Armed Forces (other than members of the Armed Forces responsible for security at the United States Embassy in El Salvador), except that this paragraph does not prohibit the introduction of United States Armed Forces into El Salvador in order (A) to meet a clear and present danger of hostile attack upon the United States, or (B) to meet a clear and present danger to, and to provide essential and immediate evacuation of, citizens of the United States.".

97TH CONGRESS
2D SESSION

S. 2370

To amend the Foreign Assistance Act of 1961 to require specific authorization for the provision of additional military personnel, security assistance, or defense articles for, or for carrying out certain intelligence activities with respect to, any country in Central America, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 14 (legislative day, APRIL 13), 1982

Mr. DODD (for himself and Mr. TSONGAS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To amend the Foreign Assistance Act of 1961 to require specific authorization for the provision of additional military personnel, security assistance, or defense articles for, or for carrying out certain intelligence activities with respect to, any country in Central America, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620F. SPECIFIC AUTHORIZATION REQUIRED FOR ADDITIONAL MILITARY PERSONNEL, SECURITY AS-

SISTANCE, OR DEFENSE ARTICLES FOR, OR CERTAIN INTELLIGENCE ACTIVITIES WITH RESPECT TO, ANY COUNTRY IN CENTRAL AMERICA.—(a) Notwithstanding any other provision of law—

"(1) no United States military personnel may be introduced into or assigned or detailed to a country in Central America if such introduction, assignment, or detail would cause the number of United States military personnel present in a country to exceed the number of United States military personnel present in such country thirty days before the date of enactment of this section;

"(2) no security assistance may be furnished, directly or indirectly, for a country in Central America or for any organization, group, movement, or individual in such country;

"(3) no defense article in the stocks of the Department of Defense may be leased under chapter 6 of the Arms Export Control Act or loaned under chapter 2 of part II of this Act to a country in Central America or to any organization, group, movement, or individual in such country; and

"(4) no intelligence or intelligence-related activity, other than an activity intended solely for the collection of necessary intelligence, may be carried out, directly

or indirectly, with respect to a country in Central America;

unless—

"(A) there is specific authorization for the provision of such personnel, assistance, or article, or for the carrying out of such activities;

"(B) the Congress has declared war; or

"(C) in the case of the introduction of United States military personnel into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances (other than under clause (A) or (B)), such introduction is necessary to defend the United States from attack or to evacuate United States citizens or nationals from a country in Central America.

"(b) The Congress hereby expresses its determination to consider in the most expeditious manner practicable any request by the President for specific authorization under this section.

"(c) For purposes of this section—

"(1) the term 'Central America' means Guatemala, Honduras, El Salvador, Nicaragua, and Costa Rica;

"(2) the term 'security assistance' means—

"(A) assistance under chapter 2 (military assistance), assistance under chapter 4 (economic

support fund assistance), chapter 5 (military education and training), or chapter 6 (peacekeeping operations) of part II of this Act;

"(B) sales of defense articles or services, extensions of credits (including participations in credits) and guarantees of loans under the Arms Export Control Act;

"(C) any license in effect with respect to the export of defense articles or defense services to or for the armed forces, police, intelligence, or other internal security forces of a foreign country under section 38 of the Arms Export Control Act; or

"(D) military assistance or any assistance described in clause (A), (B), or (C), which is provided under section 614 of this Act without regard to any provision of this Act or of the Arms Export Control Act;

"(3) the term 'specific authorization' means—

"(A) in the case of the provision of personnel, security assistance, or defense articles, the enactment of legislation which authorizes and appropriates (or otherwise provides) funds or otherwise establishes the level of program activity and which—

"(i) approves of an activity, program, project, operation, or country with respect to which such personnel, assistance, or article is proposed to be made available, and which approves of the number of such personnel, amount of such assistance, or value of such article, as justified by the President in his presentation materials transmitted to the Congress; or

"(ii) expressly provides for the availability of such personnel, assistance, or article only for a particular country and only in certain numbers of personnel, certain amounts of assistance, or certain valuation of articles; or

"(B) in the case of any intelligence or intelligence-related activity (other than an activity intended solely for the collection of necessary intelligence), the specific approval by the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives for the

carrying out of such activity in a particular country in Central America.

"(4) the term 'United States military personnel' means members of the Armed Forces of the United States, including members of the Armed Forces participating in any multinational force, and other personnel of the Department of Defense other than such members or personnel who are required for the security of the diplomatic mission and consular posts of the United States in a country.

"(d) The provisions of this section shall terminate two years after the date of enactment of this section.".

97TH CONGRESS
2D SESSION

S. J. RES. 158

Expressing the policy of the Government of the United States of America with respect to the Government of Cuba.

IN THE SENATE OF THE UNITED STATES

MARCH 4 (legislative day, FEBRUARY 22), 1982

Mr. SYMMS introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

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JOINT RESOLUTION

Expressing the policy of the Government of the United States of America with respect to the Government of Cuba.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Government of the United States to continue in its relations with the Government of Cuba the policy set forth in the joint resolution entitled "Joint resolution expressing the determination of the United States with respect to the situation in Cuba", passed by the Senate on September 20, 1962, and by the House of Representatives on September 26, 1962, and signed into law by the President on October 3, 1962 (76 Stat. 697), as follows:

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and

Whereas the international Communist movement has increasingly extended into Cuba, its political, economic, and military sphere of influence: Now, therefore, be it further

Resolved, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

The CHAIRMAN. Senator Symms.

STATEMENT OF HON. STEVEN D. SYMMS, A U.S. SENATOR FROM IDAHO

Senator SYMMS. Thank you very much, Mr. Chairman.

It is a pleasure for me to be here this morning before your committee, and I thank my colleagues for the opportunity to present testimony on Senate Joint Resolution 158, reaffirming the 1962 Cuban resolution and U.S. policy toward Cuba.

As the committee knows, I offered Senate Joint Resolution 158 as an amendment to another Senate resolution a few weeks ago, and after considerable debate the Senate, by a vote of 41 to 39, tabled the amendment in order that this committee might hold hearings on this issue.

I appreciate very much, Mr. Chairman, your expediency in holding these hearings as you so graciously promised to do during the debate on the Senate floor.

Regardless of the tabling action, I was pleased that the Senate had an opportunity to discuss the issue. I was, Mr. Chairman, of course disturbed that the Senate did not see fit at that time to send a strong, clear message to the Soviet Union and Cuba that at least the Senate believes aggression and subversion in the Caribbean should be resisted.

However, I hope your committee will approve the resolution so that the full Senate can again have that opportunity.

The purposes of the resolution are threefold. First, and most significantly, the resolution reaffirms the law of the land on American policy toward Cuba, as embodied in Senate Joint Resolution 230, passed overwhelmingly by bipartisan majorities of both Houses in September 1962. Second, it reaffirms the Monroe Doctrine first announced in 1823. Third, my amendment has several policy thrusts:

It expresses the determination of the United States to prevent, by force if necessary, the Soviet-backed Communist regime in Cuba from engaging in aggressive or subversive activities in any part of the Western Hemisphere;

It expresses American determination to prevent the Soviets from establishing a military base in Cuba;

It states American support for the freedom and self-determination of the Cuban people.

Mr. Chairman, I could not agree more with a statement by William Safire in his recent New York Times column, entitled, "Is Castro Convertible?"

He said, "Now is the time to deal with a threat before it becomes a crisis."

Indeed, we do need to fully understand and recognize the Soviet threat from Cuba, both subversive and nuclear. The President has acknowledged that the Soviet threat from Cuba is as great or even greater than it was in 1962. He warned the Caribbean nations during his visit to Barbados earlier this month about the "Soviet-Cuban virus."

My resolution is an attempt to bring into focus that cancer in our underbelly so that it can be properly diagnosed by the Congress and understood by the American people and dealt with through a clear expression of policy.

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I might mention, Mr. Chairman, that this resolution does have bipartisan support and some 20-plus sponsors.

This resolution is aimed merely at strengthening our national will, which is the key to resisting any challenges to freedom and liberty. If we cannot muster the national will to oppose threats and dangers to our security, then we may never be able to safeguard our heritage.

I am not advocating the use of force in the Caribbean. Quite the contrary, I am merely trying to strengthen our first line of defense, which is diplomacy. By reaffirming the 1962 resolution, U.S. diplomatic leverage should be strengthened. Any option of initial deployment of military force in the Caribbean is wholly up to the President, with subsequent consultation with the Congress. My resolution does not change that.

It is designed only to reinforce present U.S. law and foreign policy toward Cuba, and the resolution is fully consistent with and supportive of President Reagan's Caribbean policy announced on February 24, 1982.

Mr. Chairman, despite what I considered unclear and often conflicting signals from the State Department regarding their position on this resolution during the time it was considered on the floor of the Senate, I am pleased that the State Department expressed its strong support for the resolution before your committee on April 29.

In a letter addressed to me that same day, the State Department said the resolution,

> Is a restatement of actual U.S. policy toward Cuba—and the sentiment behind it, we believe, remains valid today just as it was valid in 1962, when the resolution was first stated. We support the resolution.

In testimony before the Senate Foreign Relations Committee on April 20, Deputy Assistant Secretary of State Stephen Bosworth stated:

> The Symms resolution reflects the policy of six administrations, certainly this one. As we told Senator Symms, we have always endorsed the thrust of his resolution. After it has been given the appropriate committee consideration, we fully intend to support the Symms resolution.

On April 20, 1982, Secretary Bosworth testified further in answer to a question I posed that the official U.S. policy position is now in support of the resolution.

He stated further:

> Our position remains one of full support for the thrust of that resolution. I can assure you that the finding that the thrust of your resolution is fully consistent with the policy of this administration was made at the very highest level of the State Department, by the Secretary of State himself.

Mr. Chairman, the gravity of the Cuban threat to the Caribbean was also made explicit in Secretary Bosworth's testimony. He pointed out that Cuban arms shipments to Nicaragua and El Salvador have not diminished. He declared Cuba "to be a threat to U.S. security interests in Central America and the Caribbean."

He also agreed that the present level of military capability in Cuba endangers U.S. security interests.

When asked what effect a Senate reaffirmation of the Cuban resolution of 1962 would have on our relationship with either Cuba or the Soviet Union Secretary Bosworth answered:

To the extent that it tends to represent the views of Congress, in addition to the views of the administration, I think it would probably be seen by the Government of Cuba as a rather firm statement of U.S. views regarding the unacceptability of Cuban behavior.

When asked if the State Department had specifically assessed whether or not the Symms resolution was inconsistent with the War Powers Act, Mr. Michel, from the State Department Legal Advisor's Office stated:

The Legal Advisor's Office reviewed the Symms amendment in terms of the War Powers Resolution in order to make a judgment as to whether, on its face, it would affect the provisions of the War Powers Resolution in any way, and we concluded that it did not.

Finally, when asked if the State Department supported reintroduction of the Symms resolution, Secretary Bosworth answered "yes." He added, "The administration finds this resolution is consistent with our policy, and we support it."

The administration's position should not be clear and this position of support, of course, is welcomed as is the chairman's support as expressed in his letter to our colleagues before the debate of my resolution on the Senate floor a few weeks ago.

As you stated so well, Mr. Chairman, the purposes of the resolution are ones we can all support: resistance to Cuban aggression and subversion in the hemisphere, prevention of Soviet bases in Cuba, and support for the self-determination of the Cuban people.

I urge this committee to approve the resolution as written. I fear any action otherwise might be further misread as a sign that we do not have the will and the determination to defend this Nation and its neighbors, to stand up to nuclear blackmail by the Soviet Union.

Mr. Chairman, should we show our strong support for the Commander in Chief by reaffirming existing U.S. policy and law and expressing opposition to Soviet military bases in Cuba? Are we for enforcing the Monroe Doctrine with regard to the Soviet Union and Cuba, or are we not? Do we support the Soviet/Cuban backed aggression in the Western Hemisphere or do we oppose it?

If we cannot resist aggression and blackmail in our own backyard, then where can we draw the line? If we cannot reaffirm long-standing American policy in defense of freedom among our neighbors now, when and where and how will we ever be able to stem the spread of Marxism and terrorism?

Mr. Chairman and members of the committee, Senate Joint Resolution 158 attempts to provide the Senate at least with an opportunity to answer in part those questions and express its will regarding our policy toward Cuba.

I appreciate the opportunity, Mr. Chairman, to be here this morning to testify on behalf of this resolution. I would say again for the benefit of those members who were not here earlier that I think the resolution has 22 sponsors, including the majority leader, and it has bipartisan support.

Mr. Chairman, I also have some letters that I would ask unanimous consent to submit for the record from the State Department, and a couple of letters of request from me to the Department of Defense and to the Under Secretary of Defense for Policy.

The CHAIRMAN. They will be incorporated into the record.

[The information referred to follows:]

U.S. SENATE,
Washington, D.C., April 26, 1982.

DR. FRED IKLE,
Under Secretary of Defense for Policy,
Department of Defense,
The Pentagon.

DEAR DR. IKLE: On March 4th, 1982, I introduced S.J. Res. 158 in an effort to promote strengthened American Resolve to resist Cuban aggression in the Western hemisphere. The purpose of this letter is to obtain your views on this resolution.

My resolution reaffirms long standing policy which was embodied in a 1962 Senate Joint Resolution 230, which passed overwhelmingly with bi-partisan majorities of both houses. The resolution reaffirms the Monroe Doctrine and also has several policy thrusts. First, it expresses the determination of the U.S. to prevent, by force if necessary, the Soviet backed communist regime in Cuba from engaging in aggressive or subversive activities in any part of the Western hemisphere. Second, it expresses American determination to prevent the Soviets from establishing a military base in Cuba. Third, it states American support for the freedom and self determination of the Cuban people. I am pleased to have twenty three other Senators joining me in co-sponsoring this resolution.

As you may know, I offered my joint resolution as an amendment to another Senate resolution on April 15th. After considerable debate, the Senate voted to table my amendment by a vote of 41 to 39. I question whether this vote reflected the true will of the Senate. Many Senators were absent that day. A sufficient number of those absent conveyed their intent to vote against the tabling motion if they had been present.

Regardless of the tabling, I was pleased that the Senate had an opportunity to debate the issue. But I was of course disturbed that my colleagues in the Senate did not see fit to send a strong, clear message to the Soviet Union and Cuba that the United States will resist aggression and subversion in the Caribbean and throughout the hemisphere.

I believe the unclear and often conflicting signals from the State Department regarding the Administration's position on this resolution was a contributing factor to the success of the tabling motion. I will not go into details regarding the State Department's difficulties in stating a position on this resolution at the time it was considered on the floor of the Senate. Suffice it to say that now the Administration has informed me of their strong endorsement of this reaffirmation of American policy in the Caribbean. In a letter to me of April 20, 1982, the State Department said, "we did not oppose your resolution and we do not oppose it now. It is a restatement of actual U.S. policy toward Cuba and the sentiment behind it, we believe remains valid today just as it was valid in 1962, when the resolution was first stated * * * we support the resolution."

Recently, Deputy Assistant Secretary of State, Stephen Bosworth testified to the Senate Foreign Relations Committee; "The (Symms) resolution * * * reflects the policy of six administrations, certainly this one. After it has been given the appropriate committee consideration, we fully intend to support the Symms resolution." When asked if the State Department supported reintroduction of the Symms resolution, Bosworth answered "Yes".

Therefore, it appears that the Administration now firmly supports resistance to Cuban aggression and subversion in the hemisphere, prevention of Soviet bases in Cuba, and support for the self determination of the Cuban people. I would hope that the Senate, with the Administration's clear support of the resolution, could now express similar sentiment.

To confirm for myself and for the Senate, and in particular for the Senate Foreign Relations Committee that this is indeed the position of the Department of Defense, I would appreciate very much having your views on S.J. Res. 158 as soon as possible.

Warm regards.

Sincerely,

STEVE SYMMS.

The CHAIRMAN. Senator Tsongas, do you or Senator Kassebaum have any opening comments?

Senator TSONGAS. No, Mr. Chairman.

Senator KASSEBAUM. I do not, Mr. Chairman.

The CHAIRMAN. Senator Symms, we thank you again for being with us.

Senator SYMMS. Thank you very much, Mr. Chairman.

The CHAIRMAN. I wonder if you could give the committee a general statement as to what you think our policy toward Cuba should be. Should we expect to achieve improvements in Cuba's behavior through direct or third party negotiations? Do you foresee any change at all in their approach, in their actions? What do you think our policy ought to be?

Senator SYMMS. Mr. Chairman, I think, in general, in my opinion, our policy should be: one, that we should first, of course, look out for our own security. As I see it, if we allow to go on what is now going on, with the exportation of the revolution from Cuba into Latin America, it will be a very brief time before the Cuban extension will be working in southern Mexico. Then I think we will have a tremendous problem created for us in this country if we allow that to happen.

I think we cannot tolerate the actions of the Castro regime in Cuba right now. I think we should go on an aggressive ideological struggle with them. After all, they are only 90 miles from our shores, and, after all, there are some 10 million human beings that live in Cuba in a relative slave camp.

I do think we have a moral obligation to try to allow those people an opportunity for self-determination.

Castro, very clearly, has violated the Kennedy-Khrushchev agreements, and that, in my opinion, would mean that we should notify Mr. Castro that if he is going to continue to violate those agreements, we will no longer respect our total noninterference with what he does in his country. I am talking in terms of ideological resistance to the Castro regime and other ways that we could aid and support people who would like to see self-determination take place in Cuba.

I think if this happened Mr. Castro would have to go on the defensive, on which he clearly has been for the last 20 years.

The CHAIRMAN. When you say that Castro has violated the 1962 agreements, could you be more specific as to how he has violated those agreements?

Senator SYMMS. Well, I would say taking guns, ammunition, munitions, and so forth, from Cuba to Nicaragua to be moved into El Salvador is a clear violation of the Kennedy-Khrushchev agreements.

The CHAIRMAN. What specific language in that agreement does it violate?

Senator SYMMS. Well, I do not have a copy of it right here, but it violates the portion of the Kennedy-Krushchev agreement which says that the Cuban regime will not participate in Marxist-Leninist revolution into the mainland of the Americas.

Another example would be the building of the submarine bases in Cienfuegos, with the capacity to be able to handle nuclear munitions. The basing of Mig-27's, which have the potential, the capability to be refitted and made an offensive threat to the United States, the basing of medium range ballistic missiles in Cuba which could be a security threat to the United States—those things are all violations.

The Bear bombers that have been there are clear violations. This has been affirmed by Chief of Staff Jones, by Under Secretary of Defense

Fred Ikle, by President Reagan himself, by CIA Director Casey and by U.S. News & World Report, and by many people who are in the administration. They have clearly stated that they are violations of this agreement.

I think it is just tragic, when we are in a position in this country where we literally have to build walls to keep people out. The Communists build walls to keep people in, and yet, we have been losing the propaganda war.

I think with very aggressive action we could turn that around and go on the offensive. I think that should be our policy.

The CHAIRMAN. Counsel has pointed out that in a clarification as to actually what the United States-Soviet understandings were on Cuba, based on the public record—and I cannot go beyond what is on the public record—the following conclusions seem justified: Cuba did not take part in the 1962 negotiations, was unhappy with the results, and did not publicly give any assurances to the United States. Furthermore, the Soviets gave no assurances about future Cuban behavior. Cuba said that it would not attack the United States or other nations, but it did not offer assurance about refraining from revolutionary activity.

I am not saying that what they are doing would give them a good conduct medal by any means, but it is one thing to determine that a party to an agreement has violated that agreement. That was certainly the essence of the whole transfer of the Sinai yesterday.

I have asserted for months, now, that Israel would honor that agreement. It would be unthinkable to me that Israel would not honor it.

It is a serious charge if a nation is charged with violating an agreement, and we must be very precise about that. Our record shows that Cuba was not a party to that agreement. That was an agreement between the Soviet Union and the United States. I would only put that on the record.

Senator SYMMS. Then, Mr. Chairman, I think it would certainly be appropriate to say that the Soviets are in clear violation of the Kennedy-Khrushchev agreement, in that case.

The CHAIRMAN. That might be another thing.

Senator SYMMS. In view of the fact that the Soviets finance Cuba's ability to survive, without Soviet foreign aid to Cuba, the Castro regime would have collapsed years ago. How much is it, several billion dollars a year of foreign aid that props up the economy in Cuba? I think evidence is very clear that Castro is a puppet and proxy of the Soviets, with some 50,000 troops out of the country in several places, such as Africa, such as advisers in Nicaragua, and so forth. I believe there is a justifiable reason for our own security interest to not allow this thing to continue to fester without some kind of positive action on the part of the United States.

The CHAIRMAN. There are representatives from the State Department in the room. I will ask that they respond, from their Legal Department, as to what the violations are that Cuba has made in these understandings and agreements and that the Soviet Union has made in those agreements and understandings. We will keep the record open for that purpose, so that the response can be inserted at this point.

[As of the date of publication, the material referred to had not been supplied.]

The CHAIRMAN. I have just one other question about the statement you just made. You said that we cannot tolerate what the Castro regime is doing in Cuba. Are you referring there, Senator Symms, to our not being able to tolerate what they are doing internally, or not being able to tolerate what they are doing in Cuba to, say, export revolution or whatever?

Senator SYMMS. Well, I feel saddened about what has happened in Cuba. When you visit Cuba, you see that there are no improvements in their society, nor have there been, really, since 1958. There is no new paint on the buildings. The telephone books are 1958 phone books and the cars are old. They have had no economic growth and progress and no improvement. The people very obviously are not a free people. This, of course, saddens me. They are just 90 miles off our shores. I think it is incompatible for the long term to allow that to continue, although that is a problem that they obviously will have to resolve in Cuba.

I think what we cannot tolerate is the submission of Cuba to the Soviets, to allow the Soviets to blackmail the United States by threatening to put missiles and other types of offensive military capability 90 miles off our shore; nor can we tolerate the exportation of the wherewithal to expand a Marxist-Leninist revolution in the Latin American countries, which is what is happening today. That is the part that we cannot tolerate.

I think there is ample justification for some action on the part of the United States, and I think those are the kinds of things that the President would have to do.

I notice, Mr. Chairman, that there is a great deal of speculation in some parts of the Western press that Castro would like to switch sides and come over to the United States. I think nothing would make me happier than to see that happen. But I would only say that it would be someone besides Castro who would be the leader of Cuba, then. It will not be Fidel Castro because the minute he decided to do that, either one of two things would happen. He would be shot on the spot, or else they would have to take him to Russia for medical treatment, and he would never be heard from again. He would be put into a hospital somewhere.

So I think it is unthinkable. That is just not going to happen.

The CHAIRMAN. Well, I greet such a hope with equal skepticism. I saw that report and it seemed incredible to me.

My final question is this. You said that the United States cannot tolerate Cuba's actions. What are the recourses that the United States has, then? Under what circumstances should the United States use force, for example? Should the United States engage in active efforts to destabilize or otherwise damage the Castro government? Should we consider outright invasion to achieve such an objective?

Senator SYMMS. I think at this point to talk about outright invasion might be a little bit like letting the horse out of the barn and then shutting the door. I think there was a time that certainly would have been appropriate. At the time this revolution passed I think it would have been a very appropriate action on the part of the United States. But this is some 20 years later. I think at this point in time the President, the Commander in Chief, would have to make those decisions ultimately.

I know that Senator Goldwater on numerous occasions and on national television has advocated that we stop the shipment of arms out of Cuba by use of naval and air blockades, if necessary. I think those are things which the Commander in Chief would have to decide.

It would be somewhat hard for me to speculate as to what would be the appropriate action.

I would certainly think that efforts to instill some questions in the minds of the Cuban people as to what they could have if they could have a government that was more proprivate property and had some of the virtues and humanitarian aspects and opportunities that come from a capitalist society vis-a-vis a socialist society would be very appropriate.

So, I think some efforts that the administration has in terms of Radio Free Cuba and so forth certainly would be appropriate.

I would certainly think it might be appropriate if we encouraged that activity. If Castro had some problems at home, he might not have 50,000 troops scattered around the world, causing problems for some of our friends in other places in the world.

So, I think we have to recognize that Castro has been up to no good as far as the long-term security interests of the United States are concerned, and recognize what the facts are and treat the patient accordingly.

If we are going to diagnose and if Congress is going to have the opportunity to diagnose and then apply treatment, as a physician would, there is no question but that Castro is a cancer to the security of this country, right in our soft underbelly. I say we should treat it accordingly.

The CHAIRMAN. Thank you very much.

Senator Pell, first, do you have any opening comments that you would like to make? Then, without objection, because of the number of Senators present, we will proceed on the 10-minute rule.

Senator PELL. Thank you very much, Mr. Chairman.

Mr. Chairman, today we will be exploring the legislative proposals dealing with U.S. policy in Central America and the Caribbean currently before the committee. These measures reflect the interest and concern of the American people about U.S. policy in this area which is so close and so vital to us. They address important issues such as a negotiated settlement in El Salvador, the congressional role in U.S. policy in El Salvador and the rest of Central America, the use of U.S. forces in the area, and methods for dealing with Cuba.

As a supporter of Senate Joint Resolution 144 introduced by Senators Dodd and Tsongas, I want to reiterate the point I made in our hearing of April 1. U.S. policy must support and encourage the negotiation process. Whatever the ultimate composition of the new Salvadoran Government, the United States must maintain a resolve to vigorously push for a negotiated resolution. Senate Joint Resolution 144 is a very appropriate mechanism through which the Congress can press its views on the negotiation issue.

I wholeheartedly endorse Senator Byrd's amendment (S. 2179) to the War Powers Resolution. I joined as a cosponsor because I believe we should exercise special caution and restraint when it comes to the introduction of combat forces into El Salvador. Senator Byrd's measure places specific restrictions on the introduction of such forces.

This proposal reflects the concerns of the vast majority of the American people who fear a deepening U.S. military commitment in the swirling turmoil of Central America.

I believe that Senate Joint Resolution 158 introduced by Senator Symms, which reaffirms the 1962 Cuba resolution, not only is unnecessary but it has serious far-reaching implications. The 1962 resolution, born during the tense days of the Cuban missile crisis, and the cold war, is not reflective of the possibilities to avoid a confrontation with Cuba which we are now seeing. Rather than pass resolutions which could result in the use of force by the United States, we must support the administration's positive response to the Mexican peace initiative which includes talks between the United States and Cuba. Furthermore, a lasting peace settlement in Central America must include discussions with Cuba. We should be seeking to achieve an affirmation of the desirability of engaging in a dialog with Cuba so that we can avoid the necessity of resorting to the measures originally set forth in 1962.

Last Tuesday, we heard the administration on these resolutions. I look forward now to hearing the perspectives of those who have introduced the measures which are now before this committee.

Let me move directly to some questions for Senator Symms.

As I understand it, Senator, you believe that there have been long-range Soviet naval and land-based nuclear warhead equipped missiles paraded in Havana in 1964, 1965, and 1966, is that correct?

Senator SYMMS. I am not sure whether they were cruise missiles. I believe they were cruise missiles. I may have missaid MBR's. They are short-range missiles, cruise missiles, that were on parade.

Now, whether or not they had nuclear warheads or just had the capability to have those, I do not know whether or not I can confirm.

Senator PELL. I see.

Then, also on the Senate floor, as I understand it, you cited a violation of the Kennedy-Khrushchev agreement, that during the 1970's there had been visits to the Cienfuegos naval base, by Soviet strategic offensive Gulf and Echo submarines carrying, again, long-range strategic offensive missiles equipped with nuclear warheads. Is that correct?

Senator SYMMS. I believe that is correct. I think that has been confirmed by the Chairman of the Joint Chiefs of Staff and by Mr. Casey, head of the CIA, in the national press.

Senator PELL. Then, also, do you believe that the Cienfuegos base is complete, with a new nuclear warhead handling facility?

Senator SYMMS. I think that has been confirmed also in the Western press.

Senator PELL. And also that 4 of the 42 Soviet SS–4 MRBM's were never confirmed by our aerial photographs as having been removed in 1962 and might still be there. Is that also your view?

Senator SYMMS. That's correct.

Senator PELL. Have these facts been confirmed by the CIA?

Senator SYMMS. What I have asked for from Dr. Fred Ikle, the Under Secretary of Defense, is for him to provide me with unclassified answers to three questions. Given the presence of several types of offensive nuclear delivery systems in Cuba, is it reasonable to suspect that the Soviets have deployed or would deploy nuclear bombs or war-

heads as well? Also, given our inability to verify with high confidence the removal of 4 of the 42 Soviets medium-range ballistic missiles in 1962, how much confidence can we have that we would detect the presence or the introduction of nuclear weapons in Cuba? Also, what were the dates during which the Gulf and Echo class submarines were visible at Cienfuegos?

I would like to submit those answers to the committee with your permission, Mr. Chairman and Senator Pell so that I will not say something here that would be sensitive in terms of confidentiality when I receive them from the Defense Department. I mailed that letter yesterday. I think those are very good and very fair questions. But I want to be careful not to say something here that would be in violation of the classified briefings that some of us have had.

[As of the date of publication, the information referred to had not been supplied.]

Senator PELL. In this regard, I think there is a certain difference of view.

Senator SYMMS. In my opinion, in 1962 it was not clear. We carried the ball just half way down the field in 1962 and did not really quite finalize what it was. I think what the President's intention was, in 1962, at the time of that original Cuban missile crisis.

Senator PELL. Thank you.

I have one other question of a more general nature.

At this very time, when the administration apparently is moving ahead with a lessening of tensions with Cuba or a seeking to engage in conversation with Cuba, do you think your amendment will have a helpful or harmful effect on the administration's efforts in this regard?

Senator SYMMS. I believe it will be helpful because it will show a very clear policy of what the United States will or will not tolerate, and what we consider to be acceptable behavior on the part of Cuba if it wishes to be a friendly neighbor to us. I think oftentimes in the past, where we have failed to have a clear policy, it makes it more difficult. The one thing that I think history shows us is that the Soviets do recognize and respect force, strength, and power, and Castro has not demonstrated any difference than his Soviet teachers.

So I do believe it will not make it more difficult. But I think our story has not been too successful by having no policy toward it. What I am concerned about is what we are going to do in the very short future ahead when people in Mexico start voting with their feet, walking across the 2,100 mile border to escape the revolution that will come like night comes after day if we allow this to continue to fester in Latin America.

I think we had better think about it now and come to grips with the reality of what is going on in the Caribbean Basin and what is happening, some of the violations that are taking place, some of the efforts that are being made by the Castro regime to stir up revolution and problems for our friends in Latin America, in Central America particularly, with Mexico, of course, being their goal.

I think now is the time to act. I don't think it will make it any worse than it has been, and it might even make it better if the Senate and the House would reaffirm the resolution. I would think this would strengthen the hand of those people who are in the administration who

are asked to do the negotiating. It would put them in a strong position to posture from, to start off with.

This in no way would interfere with any negotiations or any diplomacy. But it certainly would give them a backing of support, to deal from a position of strength.

Senator PELL. I appreciate your comments and your views. But I don't think I agree with you. My own thought is that in a sense what Cuba is today is the greatest exporter of virulent communism in the world. It has more soldiers outside its border than any other nation except for the United States and Russia. In part, it is our frankenstein. We have isolated it and sought to strangle Cuba economically. We had one major invasion, the Bay of Pigs, and lord knows how many little mini-invasions, courtesy of the CIA. We sought to assassinate a chief of government. And we wonder why Cuba has the reactions it does.

I think the efforts of the administration in trying to normalize relations with Cuba are efforts to be encouraged. A resolution such as this will merely exacerbate the situation further and continue to build up this frankenstein and make it more of a threat. But that is obviously a point where we have to agree to disagree.

Let me return for a moment to the question of your view with regard to nuclear weapons. Do you believe that there is evidence showing that nuclear weapons have been seen in Cuba since 1962, CIA confirmed evidence?

Senator SYMMS. Well, there are pictures of the parade in Havana with weapons that would have that capability.

Now, whether or not it is confirmed, I would not be able to comment. I cannot comment on whether they have confirmed or have the capability to confirm whether or not the actual nuclear weapons are there.

I think that the Soviets have many, many other delivery systems. They may not feel that it is necessary to have them actually based in Cuba. The capability of the weapons, with minor modifications, I think could certainly be nuclear equipped.

Brezhnev has brazenly made reference to this, that he would put nuclear weapons into an analogous position if the United States chose to deploy in Western Europe. In my opinion, this is a blatant case of blackmail on the part of the Soviets to the United States.

Senator PELL. Is there any evidence, in your view, that long-range strategic offensive missiles have been carried in in submarines?

Senator SYMMS. Only in those photographs that have been released to the press.

Senator PELL. But they do not show the weapons.

Senator SYMMS. They do not?

Senator PELL. So, there is no real evidence. But there is a strong view on your part?

Senator SYMMS. When I get the answer back, I would like to submit that back to the committee. I would prefer not to make some comment that might be sensitive without getting an answer from Assistant Secretary of Defense Ikle.

Senator PELL. That is a very good suggestion, my friend.

Thank you.

[As of the date of publication, the information referred to had not been supplied.]

Senator PELL. I would suggest that you read the briefings which the CIA gave to this committee. I think they might shed some light on

your views in this regard. These are code word briefings, and they are available to you.

Senator SYMMS. Well, Senator Pell, you certainly would agree that a Mig-23 or a Mig-27 is capable of a delivery system with some modifications, or that the cruise missiles that have been on display are capable of having nuclear deliveries.

Senator PELL. Many systems are capable of delivering. The question is whether or not they have a nuclear warhead. I would commend our code word briefings to you. Those would perhaps change some of your views.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Pell.

Senator Kassebaum.

Senator TSONGAS. Excuse me, Mr. Chairman, but might I interrupt for just a moment.

I would only point out that under the 10-minute rule, with a vote at 11 o'clock, neither Senator Dodd nor I would have a chance to inquire of Senator Symms, and we do have some questions.

Senator BIDEN. I just want to say, for my part, that I think that is a useful rule to keep in place.

Senator KASSEBAUM. I would be glad to yield 5 minutes of my time.

The CHAIRMAN. Perhaps we ought to proceed on the 5 minute rule. Why don't we do that and go to a 5 minute rule, without objection, starting with Senator Kassebaum.

Senator TSONGAS. Well, I was not really asking for that. I think 8 minutes would get us all in.

The CHAIRMAN. Senator Kassebaum.

Senator KASSEBAUM. Let me say that we all share some concerns here, obviously, and I am troubled a bit about exactly what you believe this resolution might do when there are some very sensitive and delicate negotiations going on and a period of high tension existing in Latin America? Is it wise to endorse this language now; do you think just restating a resolution that has already been on the books through six administrations, as you have said, is going to cause any change in attitude on the part of Castro, and why you believe it is important to do this now.

Senator SYMMS. I think the reason it is important to do it now is the Chairman of the Joint Chiefs of Staff, the Director of the CIA, the Assistant Secretary of Defense, the Secretary of Defense and the President himself have made comments about some of the perceived violations or the violations, and there has been no response on the part of the United States in terms of any statement, policy statement or so forth. So, at least the Congress could reaffirm what our policy is, to remind us all of what our policy is, and to remind the Cubans of what our policy is, to affirm a positive, clear resolve on the question of the will of the United States to take care of our own security right in the Caribbean basin, as much oil and other goods come through there.

Senator KASSEBAUM. I understand that and think certainly our will is an important part of enunciating any of our policy decisions. But it seems to me that one underlying thought here is nobody seems to know what the Kennedy-Khrushchev agreements were.

Senator SYMMS. The timing is perfect.

Senator KASSEBAUM. The timing is perfect for what?

Senator SYMMS. To have a clear statement. The people in El Salvador had an election. Against big odds, they went to the polls and renounced the Marxist guerrillas.

Senator KASSEBAUM. A clear statement of the Kennedy-Khrushchev agreements?

Senator SYMMS. No, a clear statement of their willingness to resist the Communist expansion into Latin America.

Senator KASSEBAUM. I am not talking about the El Salvador elections.

Senator SYMMS. What I am talking about is the expansion of the Marxist-Leninist revolution into the mainland of the Americas and a clear position on the part of the United States of do we have the resolve to resist this.

Now, if we have the resolve to resist it, why don't we have the Congress make a clear statement that we are going to stand behind the past Congresses and the past Presidents?

Senator KASSEBAUM. Regarding the use of force?

Senator SYMMS. To give this administration a strong bargaining position to deal with Fidel Castro and others in the Caribbean basin. Short of that, if Castro thinks that the Cubans feel it is in their best interest just to keep on running munitions that they get from the Soviets into Central America when there is no evidence or statement or policy of the United States to resist it, they will keep right on doing it.

Senator KASSEBAUM. I would like to ask you what difference you see between the authorization for the use of force in your resolution and that which Congress gave President Johnson in the Gulf of Tonkin Resolution.

Senator SYMMS. I guess the difference would be, now, that we do have the War Powers Act on the books. After a certain time period, a President is required by law to consult with Congress for further authorization. At the time of the Gulf of Tonkin Resolution, that was not the case.

But this would be no new granting of authority to the President for what he does not already have.

Senator KASSEBAUM. But it has been unclear, as a matter of fact, under the War Powers Resolution exactly what type of authorization of force would remain in effect, and if your resolution were passed now, it would be clearly, it seems to me, a statement that would give the President the authorization of force.

This is what troubles me in addition to the particular timing of this.

Senator SYMMS. Let me pose a rhetorical question to you, and I think I can do it without making any problems regarding what is happening.

Let us say, for example, hypothetically, that the Cubans are regularly loading ships and airplanes with the wherewithal for Marxist terrorists and guerrillas in El Salvador and are flying or shipping them out by ship to Nicaragua to be transported into El Salvador. If the Senate passes this resolution and then one of our emissaries from the United States through the American interest section tells the Cubans we will not tolerate this any longer, cancel your flights because the planes are not going to make it now, the American people have spoken to this issue, it might be that, without any further action than that, we could stop it.

Senator KASSEBAUM. You mean, then, by the use of force, that the Commander in Chief would have the authority to immediately send in troops?

Senator SYMMS. Well, I mean, surely the great United States could stop the exportation or put a blockade around Cuba if we wanted to. If we make it very clear what our position is, and not a bluff but a real statement of purpose, then I think we could avoid any confrontation or any bloodshed. That is what we would all like to do.

If we just stand back and let it keep happening, we may get the situation to a point where we will have 20 million people from Mexico voting with their feet, walking across the 2,100-mile border, and then we would say, what are we going to do now? Why didn't we do something 5 years ago or 3 years ago?

This is why I think it is very appropriate that we speak now to this issue and give our administration the kind of support and backbone that it needs to go down and tell the Cubans, politely, what it is that we will accept as a policy. We might say, for example, that we don't want any more ships or airplanes flying out of here with war materials on them. We can do that if we choose to do it, and this resolution might avoid us actually taking the next step that many people have advocated, of actually going to the next step, which would be to stop the airplanes en route.

Senator KASSEBAUM. I see that my time is up.

Senator BIDEN. Senator Kassebaum, may I follow up on that on my time for a minute or so?

Senator KASSEBAUM. My time is up. But I do find this troubling. Let me say, though, that it really is not just a question of dealing with hypotheticals. This is one reason that frequently we get into some very troubling situations with foreign policy. I think there is some danger in constructing hypotheticals.

Senator SYMMS. I would invite the Senator from Kansas to read over the the CIA briefing.

Senator KASSEBAUM. I have in fact done so. I have attended the closed sessions.

Senator SYMMS. I was there also and talked right to that question.

The CHAIRMAN. Senator Biden, please take a full 5 minutes.

Senator BIDEN. Thank you, Mr. Chairman.

I would like to understand, Senator Symms, what is prompting this resolution. Is it the export of revolution in the region or is it the placement, as you see it, of a nuclear capacity by the Soviets in Cuba? Which of the two is it, or is it both, that is prompting this resolution?

Senator SYMMS. Both. It is the threat of putting the nuclear capacity in Cuba and the exportation of the revolution. It is both.

Senator BIDEN. We, in the Congress, over our respective times of service, end up on different committees and, as a consequence of that, spend more time on one subject than on another. I know a good deal less about agricultural commodities than I know about strategic weapons.

Is the Senator aware of the Soviet submarine strategy, of their nuclear submarines, and where they regularly patrol, and how close they come to U.S. shores?

Senator SYMMS. Partially—yes.

Senator BIDEN. Then I would suggest to the Senator that, on a regular basis, there are Soviet submarines with a nuclear capacity exceeding anything you describe as potential in Cuba which are, in fact, able to hit Washington, D.C., for example, more quickly than anything based in Cuba, especially a cruise missile, considerably quicker. While I agree with you that we should do what we can to discourage and prevent the placement of nuclear weapons in Cuba, I hope we will not get into another Cuban brigade mentality, which is to make great political hay out of something that really doesn't put us in more jeopardy than we already are in.

It may do that. But I think the American people should understand that we are more at risk from a Soviet submarine than we are from nuclear weapons in Cuba.

First of all, Soviet submarines, like all submarines, are much more difficult to detect. Their positions are not able to be verified, and it is very difficult to know where they are.

Second, they are closer physically.

Third, they carry a greater wallop than the cruise missiles you are talking about and/or the weapons that are carried on Migs.

Fourth, they are in a position where there are more of them.

So, we are very much at risk right now.

Would the Senator agree that in a qualitative sense—not political, but in a qualitative nuclear sense—we are not a great deal more at risk from Soviet missiles in Cuba than we are at this very moment?

Senator SYMMS. Absolutely. This is a question of political will. I said earlier that the Soviets had other ways to deploy nuclear weapons. They may not choose to put them there anyway.

But that still does not change the situation of what is happening in Latin America and what is happening in other parts of the world with the Cubans.

Senator BIDEN. I am not at this moment making that argument. I just want to be sure that I understand what the Senator is attempting to achieve.

In one of your "whereas" clauses, you say:

> Whereas in the Rio Treaty of 1947, the parties agreed that "an armed attack by any state against an American state shall be considered as an attack against all the American states, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense * * *"

and so on and so forth.

I assume that the Senator believes that the alleged Cuban supply of weapons to guerrillas in El Salvador is, in fact, a violation of the Rio Treaty. Is that correct?

Senator SYMMS. That's correct.

Senator BIDEN. Now let's just take a hypothetical case.

Senator SYMMS. This is in view of the fact that they are coming from the Soviet Union.

Senator BIDEN. Even if they weren't, it would still be a violation, wouldn't it, if they were sending their own weapons? I would assume the Senator would believe that would be a violation of the Rio Treaty.

Let me ask this question. Let's take a hypothetical case.

There is a government in Nicaragua now. Let's assume that we were, in fact, through the CIA, destabilizing that government. Let's take

that hypothetical case. Let's assume that Venezuela displayed photographs showing American troops, American weapons, or American transports moving into a neighboring country to "destabilize Nicaragua." Would we be in violation of the Rio Treaty?

Senator SYMMS. Senator, you are asking the wrong question in my opinion.

Senator BIDEN. Oh? I often do that.

[General laughter.]

Senator SYMMS. The question is, does the government in Nicaragua that has replaced the last government in Nicaragua have any interest at heart to try to cooperate and get along with the United States, or do they want to have a domino theory start taking place in Latin America?

Senator BIDEN. I was unaware that the Rio Treaty was a U.S. treaty that at its base said as long as whatever you are doing in the hemisphere gets along with the United States, we are all obliged to protect that. I was unaware of that. I was under the impression that it was something different. But I am glad the Senator cleared me up on that.

Senator SYMMS. In my opinion, the first and foremost thing of U.S. foreign policy should be to be sure——

Senator BIDEN. I'm not talking about that.

Senator SYMMS [continuing]. That we are doing things that are going to insure our security, and that is going to be in our long-range best interest.

Senator BIDEN. You and I are ultimate Machiavellians. We decide to figure out what is best for the United States and the rest of the world be damned. OK, I am with you and am all for it.

Now, if that is the case, I just think the staff should rewrite this resolution and not cite the Rio Treaty as justification.

Senator SYMMS. But that is what the law of the land is right now.

Senator BIDEN. Pardon me?

Senator SYMMS. That is what the law of the United States is right now.

Senator BIDEN. Yes, I know.

You see, what I am worried about is this. It's like the famous exchange in "A Man For All Seasons" where Thomas More says, "And when the Devil turns round on you, Roper, what will you do then, all the laws being flat?"

What happens when the Devil turns round on us, Senator, assuming that you believe, as I do, that we may be justified in moving into other parts of this hemisphere with covert activities? What happens, assuming we did that, assuming that you and I believe—at least I believe—that under certain circumstances we would be justified in doing that? What happens, then, when they cite the Rio Treaty and note that the U.S. Senate passed a resolution saying that the Cubans violated the Rio Treaty by aiding the leftists in El Salvador? They will say well, what did the United States do when it aided the overthrow of a popularly elected government in Chile? They violated the Rio Treaty.

Did we violate the Rio Treaty in Chile in the 1970's? No one disputes what we did. Were we in violation of the Rio Treaty?

You see, I just think that hard cases make bad law. You all have some hard cases here that do not sustain the facts.

Senator SYMMS. Well, the Rio Treaty exists. Did anyone file a complaint that the United States violated it? I can't answer that because I don't know.

Senator BIDEN. No; because I think they understood the Rio Treaty, though I am not sure that we do, with all due respect.

I see that my time has expired.

The CHAIRMAN. Senator Pressler, Senator Helms has indicated he would yield to you.

Senator PRESSLER. Thank you very much. I will be brief.

Senator Symms, what do you project Cuban interventionist activity will probably be in the next 3 to 5 years in the area? What do you predict some of the activities of Cuba will be in that region?

Senator SYMMS. Just a continuation of what they have been doing. Nicaragua went, when, in 1978, and they have been working on El Salvador. They would like to be into Honduras and into the lower, the southern section of Mexico, where there is oil. The domino theory is a reality, and I think there will be an expansionist effort on their part to see the continuation of the revolution that they started in Nicaragua, that they helped and assisted in Nicaragua with the Sandinistas.

Senator PRESSLER. What should the United States do if solid proof develops that nuclear weapons are being based in Cuba?

I take it that you feel strongly that there is solid proof already.

Senator SYMMS. Secretary of Defense Weinberger earlier this year said we would treat it exactly as the United States did in 1962, and I would agree with that.

Senator PRESSLER. That would mean, basically, that we would have a confrontation, or ask that they be removed or we would remove them by force. Is that basically correct?

Senator SYMMS. I guess we would have to leave that up to the Commander-in-Chief, as to what action to take. I would think that, with a clear statement of policy of what the U.S. position is, we could pretty much do it in a fashion where there would not actually have to be a physical confrontation.

Senator PRESSLER. There is one thing that I need to clarify. It concerns the war powers resolution.

Do you accept the need for joint determinations by the President and the Congress for the use of force? Once the President has initiated military action, do you think a concurrent resolution of Congress would be constitutionally sufficient to compel him to bring such action to an end? And, is the 60-day time limitation for military action without specific authorization a valid limitation on Presidential flexibility?

Senator SYMMS. When the War Powers Act passed the House in 1973 or 1974, I believe it was, and I was in the House at that time, I opposed the War Powers Act. But it is the law now and I support what it says.

I see no conflict with this resolution, nor do the legal advisers of the State Department see any conflict with this resolution and the War Powers Act. There is no conflict.

So I think certainly any action the President would take would require consultation with the Congress and its approval in order to

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continue any military action in that region of the world or any other region of the world.

Senator PRESSLER. I understand that Soviet President Brezhnev has made some veiled threats about Soviet missiles in Cuba. He has boasted about it indirectly.

Do we have some specific statements where he said that they have some there?

Senator SYMMS. What he said is if the United States continues on its efforts to make deployments in Western Europe, they would make an analogous deployment. That was the veiled threat. I believe that was the language.

Senator PRESSLER. So we can assume that he probably did it because we have continued since that time. Perhaps that would be evidence, that that at least is his intention.

Senator SYMMS. It could be. They do have other ways to deploy nuclear weapons. Whether they choose to put them in Cuba or not would be another matter. But they certainly would have the capability to do so. As far as the equipment they have there—cruise missiles, Mig–27's, Mig–23's, and TU–95's, submarines, and so forth—they would have the capability. But whether they would choose to do so would be another question.

Senator PRESSLER. Thank you very much.

The CHAIRMAN. Senator Glenn.

Senator GLENN. Thank you, Mr. Chairman.

Senator Symms, does the administration back your resolution?

Senator SYMMS. Yes.

Senator GLENN. They do?

Senator SYMMS. Yes.

On April 20 I received a letter from Powell Moore, the Assistant Secretary of State for Congressional Liaison, endorsing the resolution. As I pointed out in my testimony, the statement by Stephen Bosworth before the Senate Foreign Relations Committee of April 20 repeatedly supported the resolution.

Senator GLENN. Has the administration told you, either publicly or privately, that it feels it does not have enough authority now to deal with the situation?

Senator SYMMS. No; it has not. It will have no more authority after this resolution passes than it has right now.

Senator GLENN. That was the reason I was asking the question. It seems to me that the President has full authority now to take whatever action he deems to be in the best interest of the United States, whatever those interests may be.

The War Powers Act only limits him after the fact. He then has to justify his action back to the Congress, and it would have to be approved by the Congress, or we would have to cease and desist with the use of our Armed Forces.

It would seem to me, with the President having that authority now and this not giving him any new authority, what is the purpose of this, then, to have congressional encouragement to take some of these actions?

Senator SYMMS. Senator, when I asked what was the effect of Senate reaffirmation of the resolution on the relationship between Cuba and the Soviet Union, Secretary Bosworth answered:

To the extent that it tends to represent the views of Congress, in addition to the views of the administration, I think it would probably be seen by the Government of Cuba as a rather firm statement of U.S. views regarding the unacceptability of Cuban behavior.

So, I think it would be a reaffirmation, and it would be very helpful in my opinion for those people who are in the position of having discussions with the Cubans.

Senator GLENN. OK, then, we are saying under the resolution, part (b), to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States, this would be a Soviet externally supported military capability, right?

Senator SYMMS. Yes.

Senator GLENN. Then, I guess what bothers me about this is the following. Are you saying with this resolution that we will sink Soviet warships?

Senator SYMMS. No; I am not saying that.

Senator GLENN. Would you say that we would be willing to sink Soviet warships?

Senator SYMMS. I think you are asking me a question that I am not in a position, as a Member of Congress, to make decisions on. Those decisions would have to be made by the administration.

Senator GLENN. But the reason I bring this up is it seems to me that your resolution tends in that direction, and for this reason. We are saying it is a Soviet externally supported military capability that is bothering us here and subsequent Cuban use of that. I am thinking back to the days of the Cuban missile crisis and what put us into some of the military situations that we are in right now is the fact that we sent the Soviets packing at that time. We sent them home with their tail between their legs. They were monumentally embarrassed. I think that was a critical time period. They have spent some 30 to 50 percent more in expenditures per year for the last 15 years or so than we have. So, we find ourselves in a military position now not nearly as good as it was back in those days.

Now, when you say it would be easy to blockade Cuba, I cannot disagree more, especially with the Soviet Navy the way it is now.

Senator SYMMS. Well, if I said that, then I misspoke.

Senator GLENN. You said it would be easy to blockade Cuba.

Senator SYMMS. Well, physically. What I am saying is I do not think it would come to that. Don't misunderstand what I am saying.

Senator GLENN. Well, the point is once you start down this track, there is no bluff. I can just see, with the history behind this thing, the Soviets in a couple of their big, new, modern surface-to-air and surface-to-surface missile cruisers with a little Soviet freighter behind them signaling us that they are going to Havana. The monstrous United States is either going to sink those ships or be monumentally embarrassed ourselves.

Now, which would it be under that circumstance? Are we encouraging that or not?

Senator SYMMS. But haven't they been doing that already?

Senator GLENN. We have not put a blockade around Cuba already.

Senator SYMMS. That's correct.

Senator GLENN. So we have not had the requirement to either put up or shut up. That is what it would be if we put a blockade around

Cuba. That is what disturbs me about encouraging all the talk in the administration about let's blockade Cuba, let's force them, let's show them, let's cut this off at our hemisphere. It is not just cutting it off in our hemisphere.

Senator SYMMS. Let me make it very clear. I am not advocating a blockade of Cuba or any other action.

Senator GLENN. Well, how do you prevent part (b), then, "to prevent in Cuba the creation of," and we could put in another word, "Soviet," "externally supported military capability endangering the security of the United States." That's where it is all coming from. So, if we are going to cut it off, it means we cut off Soviet supplies. That to me means when we set up whatever we are going to do to stop this that we had better mean it because we are going to be the ones running home with our tail between our legs—unless we are willing to sink Soviet capital ships, if they decide to use them, to put us in our place some 20 years later.

That is the reason I really have some concern about this whole thing. Once you start down this track, you are encouraging the administration to do this. Basically, it seems to me, they have full authority now to take any action deemed in the best interests of the United States, including blockade. This would put Congress firmly behind encouraging that kind of activity. I guess that is what bothers me somewhat, because I am not sure we are then prepared to follow through with every step that would be necessary to make it meaningful for the United States of America. I think we could be the ones that are perhaps monumentally embarrassed if we go too far down this track.

So, I am very concerned about this. I don't know whether you wish to respond, but I see that my 5 minutes is up.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Glenn.

Senator Helms.

Senator HELMS. Mr. Chairman, seldom am I as concerned about a statement of a colleague as I am about Senator Glenn's comment.

Normally, I find myself in agreement with him a high percentage of the time. But what the Senator is saying is that we have already lost.

Senator GLENN. No; I am not saying that at all, Senator.

Senator HELMS. Well, Senator, let me say this. I expect there are Soviet representatives out there in the audience. There generally are.

Senator GLENN. They usually are there. Everybody now look at everybody beside him.

[General laughter.]

Senator HELMS. May I continue?

The CHAIRMAN. Certainly.

Senator HELMS. If I were a Soviet representative sitting out there, I would send back to Moscow this day that John Glenn has said we have lost, that the United States has lost.

Now, you talk about putting up or shutting up. Are we supposed to be timid about the reaffirmation of what we all say we believe in? That is all the Symms resolution does, Senator.

I am amazed at some of the things I hear at this table.

Now Joe Biden, bless his heart, said everybody knows what the facts were in Chile. Well, Will Rogers once said the trouble with a lot of folks is they know things that ain't so.

Now, the facts in Chile are at substantial variance from what we read in some of the news media, and the circumstances of the Marxist Salvador Allende's removal from office are substantially different from what we read.

The women of Chile prompted that overthrow. The military did not even want to get involved in it until the women, the housewives of Chile, who saw their schools, their churches, everything they believed in, being destroyed and got involved.

So, here we are, debating what I don't believe to be debatable. The Symms resolution is a reaffirmation of what we have said we believe. But here we are, saying we are afraid to do this. We have our tail between our legs. The Soviet Union had their tails between their legs during the Kennedy missile crisis—and, by the way, I have been trying to get the Secretary of State up here for 3 months to just talk about what those agreements were. But he has not come. They have said it wouldn't be helpful.

Well, I don't know what they mean about that.

Senator, I am glad to be a cosponsor of your resolution. I want you, in the minute or two that I have remaining, to take me through one more time this "Keystone Cop" operation of the administration that resulted in the two vote defeat of your resolution the other day.

First, the administration approved it. Is that correct?

Senator SYMMS. By a telephone call; yes.

Senator HELMS. By whom?

Senator SYMMS. Well, the first thing that happened was I offered the resolution when Senator Byrd offered his resolution. Then I went to the desk and filed this resolution as a substitute. Mr. Powell Moore called me and said that it would be not helpful to have your resolution come up prior to the vote in El Salvador. That made sense to me and I said OK, we won't do it. So I withdrew it.

Then I filed it before the Easter recess, and I heard no comment from the administration. Then, finally, on Tuesday, when the vote was going to be on Wednesday, I called the State Department and asked them if they were for or against me. They came back with a statement that this administration supports the language of the resolution, as has the last five administrations.

Senator HELMS. That's what they told me.

Go ahead.

Senator SYMMS. So, I told this to Senator Baker, and he said to go ahead with it.

Then we get to the floor, and the next day they come back and——

Senator HELMS. Was Senator Baker a cosponsor, by the way?

Senator SYMMS. Yes, he was.

Then they come back and call and say that it was not helpful now. I think that is the letter that Senator Percy had from, who was it, Al Drischler? [1]

The CHAIRMAN. Yes.

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[1] See page 77.

Senator SYMMS. Then, the next day, or the next week, on April 20, it was defeated by two votes—on the tabling motion—it was not defeated, but it was tabled by two votes. Then they changed their minds and came back again.

It was interesting, though, as the State Department had a representative in Boise briefing our Governor on the situation in Latin America. On television and radio in Boise, while the State Department was testifying here on behalf of the resolution, he was in Boise condemning it—which I greatly appreciated.

Senator HELMS. Mr. Drischler said in his one paragraph note that it would not be helpful; is that correct?

Senator SYMMS. Yes.

Senator HELMS. Did he explain to you privately, or did anybody explain to you privately why it would not be helpful?

Senator SYMMS. I believe their reasoning at that time was because of Senate procedures they were concerned about it. I made the point with them that the Senators could take care of the procedures if the State Department would just have the position.

Mr. Chairman, if I could, I would comment just briefly. I am troubled and I know what Senator Glenn is getting at by his statement. I quite agree with him, but I do say, again, this is a question of political will. If this Congress would pass this resolution, and if an emissary who directly represented our President would go to Cuba and discuss this with the Cubans, and make very clear what our position will be, I don't believe you will ever come to a showdown of force. But if we continue to talk in a fashion or continue to have actions, such as Vietnam and what happened there, and Nicaragua and what happened there, if this continues to fall back, then they will be tempted at some point to test us and see what we will do.

I think this is the part that I am concerned about. They may already have decided that they are going to have a Cuban missile crisis a la 1962 and have that test. Then, I think the United States at some point will have to make a decision. But what will we do if we just do nothing now and have this exodus of people from Mexico walking into the United States?

Senator GLENN. Senator, what I was pointing out—if I might have just a few seconds, Mr. Chairman, to reply—what I was pointing out was the extent to which this could go. The Senator from North Carolina I think completely misinterpreted my remarks. He was not here when the original remarks were made, and I was responding to those.

What we have is a situation where the President already has full authority to do anything he wants to do in this regard. All he has to do is come back to us with the war powers. This puts us into the position now of encouraging that kind of activity.

What I was pointing out, and I would repeat it, is we had better be prepared to go the full route if we are going to put on a blockade. Let's say there is a tiny little freighter with 20 jeeps coming in. Are we willing to take the risk of sinking that freighter and the Soviet ships along beside it——

Senator HELMS. Senator Glenn.

Senator GLENN [continuing]. To prevent 20 little jeeps from coming in or something like that, that might well go into World War III?

That is what I am pointing out, the very far-reaching aspects of this.

I do not believe that the most powerful military power in the world, the United States, is willing to say right now that the only way to solve this problem is to go to war with Cuba. I think this would tend to put us into that kind of posture.

That is what I was pointing out.

Nobody has ever accused me of being soft on the Soviets.

The CHAIRMAN. May I ask that we have regular order, Senator Glenn?

Senator GLENN. Yes, I think that is a good idea.

The CHAIRMAN. Thank you.

Senator HELMS. Mr. Chairman, just one second.

The CHAIRMAN. I will give you the same second that Senator Glenn had.

Senator HELMS. I did not misunderstand what the Senator said.

Senator GLENN. Well, I think the Senator did misunderstand what I said.

Senator HELMS. Well, if you want to amend it, that's fine, Senator.

The CHAIRMAN. Senator Tsongas.

Senator TSONGAS. Senator Symms, do you think that Nixon and Kissinger made a mistake in opening up relations with Communist-Marxist-Leninist Red China?

Senator SYMMS. Not necessarily.

Senator TSONGAS. All right. Let me go through this one by one.

Do you know what a Styx missile is?

Senator SYMMS. No.

[Pause.]

Senator TSONGAS. I did not ask your staff person the question.

Senator SYMMS. The short-range missile? Why don't you give me the details.

Senator TSONGAS. Tell me about the Styx missile.

Senator SYMMS. I am not here to talk about it.

Senator TSONGAS. Do you know anything about the Styx missile?

Senator SYMMS. Could you give me what the acronym stands for?

Senator TSONGAS. S-T-Y-X.

Senator SYMMS. I don't know much about Styx missiles.

Senator TSONGAS. Did you talk to the CIA about what kind of missiles they had on parade?

Senator SYMMS. I have seen those pictures and I talked to them; yes.

Senator TSONGAS. What kind of missiles did they tell you they were?

Senator SYMMS. Cruise missiles, I believe—short-range cruise missiles?

Senator TSONGAS. The CIA told you those missiles were cruise missiles?

Senator SYMMS. Well, now, Mr. Tsongas, I did not talk to the CIA. But the pictures of these missiles are not classified.

Senator TSONGAS. So you have not spoken to the CIA?

Did you ask the CIA what kind of missiles they were?

Senator SYMMS. I attended the CIA briefing that was made available for the Foreign Relations Committee last week.

Senator TSONGAS. You did not ask the CIA what kind of missiles they were before you came before this committee?

Senator SYMMS. No, I did not.

I sent a letter yesterday to Assistant Secretary of Defense Ikle which I talked about here, earlier, when Mr. Pell was asking questions, and to Director Casey, asking them to give me what the answers could be that would be proper. I will just read it to you:

As you know, I have introduced S.J. Res. 158, where you have stated recently that the Soviets have violated the 1962 Kennedy-Khrushchev agreement. If you believe, as I do, that the Soviets have violated the Kennedy-Krushchev agreement, then you must also believe that the Soviets have deployed offensive weapons in Cuba. I am concerned in particular about the apparent routine basing of Soviet nuclear delivery capable TU-95 Bear bombers, Mig-27s, the Soviet strategic submarine base at Cienfuegos with a nuclear warhead handling facility. The frequent visits to Cienfuegos during the 1970's of Gulf and Echo class submarines.

And so forth.

So what I have asked them is:

However, I am concerned about public reports that, due to Soviet and Cuban refusal to allow the United Nations site inspection in Cuba, the Soviets may not have removed all of the 42 medium range ballistic missiles which the Soviets admitted deploying there in 1962.

Senator TSONGAS. If I may interrupt, I have a limited amount of time and you are going to use it all up reading.

What is the range of a Styx missile?

Senator SYMMS. Well, Senator, if you know, why don't you just tell us?

Senator TSONGAS. It is 20 nautical-miles.

Senator SYMMS. Well, that's fine.

Senator TSONGAS. And if you had asked the CIA what kind of missiles they were, they would have told you they were Styx missiles.

Do you know where Styx missiles are deployed?

[Pause.]

Senator SYMMS. You tell me.

Senator TSONGAS. On high-speed patrol boats.

Senator SYMMS. Which could be driven over to 20 miles from shore.

Senator TSONGAS. That's right.

Do you know whether they are nuke or nonnuke?

Senator SYMMS. Well, I am certain that they would be nonnuclear. That would be my guess.

Senator TSONGAS. Now let's talk about the SS-4's and SS-5's.

Senator SYMMS. But you are missing the entire point.

Senator TSONGAS. Let me ask my questions, if I can.

What kind of propellant do the SS-4 and SS-5 use?

Senator SYMMS. I can't answer that question.

[Pause.]

Senator TSONGAS. Would you like to repeat what your staffman just said?

Senator SYMMS. I am sure the Senator is aware of it.

Senator TSONGAS. Well, it is liquid fuel.

Do you know what an SS-4 and SS-5 with liquid fuel needs to be made operational?

Senator SYMMS. Well, lots of maintenance, I am sure of that.

Senator TSONGAS. Ground support systems?

Senator SYMMS. Uh-huh.

Senator TSONGAS. Did you ask the CIA whether any of that is taking place in Cuba?

Senator SYMMS. Senator, the questions you are asking are irrelevant to what the case is in the Caribbean.

Senator TSONGAS. You are concerned in your letter about the removal of four of the 42 Soviet MRBM's, the SS–4 and SS–5, and you talk about the missiles on parade. I am saying to you if you had gone to the CIA and asked about them, you would have been given an answer, which I think is a minimal requirement.

Let me run through some possibilities of, as you say, going on the offensive and taking positive action.

To which of these would you be opposed? Destabilization of Cuba—would you be opposed to that if the President did it?

Senator SYMMS. Well, if you are talking about an ideological difference to allow the people of Cuba the opportunity for self-determination, then I think that would be proper.

Senator TSONGAS. What about a naval blockade of Cuba?

Senator SYMMS. Now you are asking a question there that has to be decided by the Commander-in-Chief.

Senator TSONGAS. Well, you talk about positive action, about going on the offensive. I am giving you some examples. I think if we are going to give him a message, which you say we should, we should also indicate what we would support.

How about support of insurgents inside Cuba? Would you support that?

Senator SYMMS. Senator, these are things that I think would have been proper at certain times in the development of our Cuban policy.

Senator TSONGAS. So you are opposed to supporting insurgents in Cuba?

Senator SYMMS. I think for something that is so sensitive, I am not going to say what I would do so as to telegraph it to the Cubans.

In my opinion, the question here is, would the Cuban people like to be free?

Senator TSONGAS. Well, what kind of message are we sending? The whole purpose of this was to send a message to Cuba. And the message is, maybe we would and maybe we wouldn't and that is up to the Commander-in-Chief.

Now that is really tough talk, I must say.

Senator SYMMS. I personally think it is unfortunate that we have allowed the Cuban people to live in a slave camp——

Senator TSONGAS. Well, why don't you support insurgency?

Senator SYMMS [continuing]. And not given the opportunity for self-determination in the last 20 years, which would have included a successful, not a failed, policy in the 1960's—a successful policy.

Senator TSONGAS. I cannot believe that you would sit here and say that you would not support the insurgents in Cuba.

Senator SYMMS. I would support a policy in Cuba that would bring about the Cuban people to want to have a free government and a free society.

Senator TSONGAS. Helping insurgents.

Senator SYMMS. But the point is, this country of ours, Senator, sent millions of people to Southeast Asia, yet the same threat is right here, in the Caribbean.

Senator TSONGAS. Mr. Chairman, this is a good, old-fashioned, jingoistic resolution that is all talk and no action. When we get to the

hard part of what are we going to do—are we going to destabilize, to support a naval blockade—we then hear it is up to the Commander-in-Chief. Are we going to support insurgents? Well, gee, I am not sure we should talk about that.

Where is the followthrough?

Senator SYMMS. The first thing we should do is start with Radio Free Cuba. The second thing to do is start with letting the Cuban people realize that they could have it a lot better if they have a free society in Cuba. But we have not done that. That is the first and foremost step.

Now, we have allowed 20 years to go by. We have wasted 20 years' time. So you have to do it one step at a time.

I think what happened in the 1960's was tragic. It was an absolute disaster. But what has happened, has happened, and now you have to build from your base and start with the ideological struggle.

Senator TSONGAS. I think there is a major difference between Radio Free Cuba and various other actions. When you talk about positive action and going on the offensive. Radio Free Cuba is the extent to which you would go, then, I take it?

Senator SYMMS. As far as I am concerned, I would not in any way hesitate to allow for people who wanted to go down to Cuba to resist Castro's government to be allowed to do so. But that has been against the law in the United States because of the Kennedy-Khrushchev agreements. That is exactly what I am talking about.

Senator TSONGAS. So you do support sending insurgents to Cuba?

Senator SYMMS. If you want to recognize that the Kennedy-Khrushchev agreements have been violated, then you remove them. Right now, we still respect those agreements which say that we are not going to allow that to happen.

The CHAIRMAN. Thank you, Senator Tsongas.

Senator Dodd.

Senator DODD. Do you want to continue, Paul?

I would yield to Senator Tsongas.

The CHAIRMAN. Do you want to yield some time?

Senator DODD. Yes.

Senator TSONGAS. The point of the resolution, Mr. Chairman, basically, is to take a very strong anti-Cuba line so that all those Members of the Senate who want to go home and say boy, I was really tough, will have something to vote for.

I will not vote for it.

When you get down to the specifics, however, we are going to be tough, but what we are going to do is beam propaganda at them with Radio Free Cuba.

Senator SYMMS. Now, Senator, wait a minute. What you are trying to do is get 100 people to be Commander-in-Chief. I am one Senator. If my Commander-in-Chief comes back to me and says this is what we should do and he makes a good case, I might very well vote for aid to support that kind of effort.

But, for me to sit here and speculate on something that is highly inflammatory I think serves no purpose. It serves no purpose for your line of questioning, and it serves no purpose for any kind of future resolution for the good people who live in Cuba and the good people

of the United States to ever come to any kind of better understanding where we can live together more peacefully and more amicably.

Senator TSONGAS. What is the purpose of introducing resolutions based on speculation that could have been cleared up with a simple sitting down with the CIA, which you admit you did not do? Isn't that a base requirement before you introduce a resolution?

Senator SYMMS. I sent a letter to the CIA Director and asked him the very type of questions to give me back an answer that I can say——

Senator TSONGAS. When did you send that letter?

Senator SYMMS. I sent it just this week.

Senator TSONGAS. This week. When did you introduce the resolution.

Senator SYMMS. I asked them the question of how I can answer those questions without violating classified data.

Senator TSONGAS. So you introduced the resolution before you sent the letter? Didn't you do that?

Senator SYMMS. Yes, I did do that. But that has nothing—now, Senator Tsongas, there are a lot of other things going on in Cuba of which I think you are very well aware, other than about just some Styx missiles.

Senator TSONGAS. I would just say that before I would introduce a resolution, at a minimum I would go to the CIA and ask them what was going on so that I would not have to go before a committee and admit that I had not done so.

Senator SYMMS. I heard the CIA briefing.

Senator TSONGAS. And you don't know about the Styx missiles?

Senator SYMMS. Well, Senator, the Styx missiles, I mean, you are comparing apples to oranges. You are trying to bring up some technical thing. I mean, I am not going to get into——

Senator TSONGAS. The technical thing happens to be the missiles that were on parade.

Senator SYMMS. What do you think about Mig–27's, what do you think about bombers, what do you think about nuclear-powered and nuclear-armed submarines?

Senator TSONGAS. What kind of planes were they using, bombers or reconnaissance planes?

Senator SYMMS. They have had some of both in there over the years?

Senator TSONGAS. What are they using the reconnaissance planes for?

[Pause.]

Senator TSONGAS. Mr. Chairman, maybe I should allow his staff man to come up here and testify.

Mr. Chairman, thank you. I appreciate the kindness of the Senator from Connecticut.

The CHAIRMAN. Without objection, Senator Dodd, you having been at the end of the line and having waited all morning, please go ahead with 5 minutes for yourself, and then we will conclude.

Senator DODD. Mr. Chairman, thank you. I think a lot of the questions I would have asked have been covered.

Let me ask, if I may, of the Senator from Idaho to please state the Monroe Doctrine for me.

Senator SYMMS. Well, you know, roughly what the Monroe Doctrine says is that the United States makes it a part of our foreign policy, a

part of the policy of this country, that we shall not accept any interference in this hemisphere from any European power or other powers.

That is a rough paraphrase of it.

Senator DODD. And? There is a second part to that?

Senator SYMMS. Well, I don't have a copy of it right here before me.

Senator DODD. It's mentioned in the first "Whereas" clause of your resolution.

Senator SYMMS. I don't have a copy of the resolution before me to refresh my memory.

Senator DODD. Well, it is sort of a reaffirmation, I presume. Part of your resolution reaffirms the Rio Treaty of 1947 and the Monroe Doctrine. The Senator from Delaware has been over the Rio Treaty with you, and I just wanted to get some sense about whether you understood what was included in the Monroe Doctrine. You have stated one-half of the Monroe Doctrine.

For purposes of the record, the other part is that we will not involve ourselves in Europe, in European affairs. That was the original intent, the quid pro quo of the Monroe Doctrine.

Senator SYMMS. Well, of course, I think that we have not, except for when we have been asked. I think we were asked twice in this century.

Senator DODD. Do you consider the Monroe Doctrine to be a modern, viable policy statement of the United States, or is it to be used selectively when it serves our interest?

Senator SYMMS. I think in this case it certainly is very viable.

Senator DODD. But you cannot separate out part of the Monroe Doctrine. You have to take the whole Monroe Doctrine. If we are going to reaffirm the Monroe Doctrine, I presume we are not going to say that we reaffirm just our part of it and not the other part of it.

Senator SYMMS. Yes; except that you are shading it somewhat. We were invited by France and Great Britain to come to their rescue in 1914 and again in 1941.

Senator DODD. Well, how would you deal with the Falkland Islands dispute?

Senator SYMMS. I would not get the Falkland Islands confused with the Caribbean Basin at this point, and I would say that if we cannot take care of——

Senator DODD. Well, it is in the Western Hemisphere, which is what we are talking about. I am just curious as to how you would apply the Monroe Doctrine in the case of the Falkland Islands if we are reaffirming it here. I think you have to deal with the situation in its totality.

Senator SYMMS. Well, you know, we also have the NATO alliance and agreements with Great Britain, and so on.

Senator DODD. In effect, the Monroe Doctrine is a nice statement, but in terms of its applicability in the 1980's, really, there are more exceptions to the Monroe Doctrine than there are applications of it.

Senator SYMMS. I think what you have to say is that we should not—you know, I am not going to get into a debate with you about the application of the Monroe Doctrine in terms of those critical islands off the coast of Argentina and the Caribbean Basin. Those are two separate questions.

Now, there may be some principles that we could apply in both cases.

Senator DODD. So, what you are suggesting—and I don't necessarily disagree with you—is that you have to apply it selectively, where it

seems to fit the circumstances, that you cannot universally apply this doctrine in every situation, that you have to weigh and consider the possible ramifications of the application of it.

Senator SYMMS. No; I am saying that that is quite different. In the first part, the Cuban Government is backed by a government that has made it very clear that its goal is world domination—the Soviet Union. Argentina and Great Britain are both governments that are striving very hard to run their own countries, much less getting involved in trying to expand their spheres of influence entirely around the world.

So you are talking about an argument between two countries that is quite different from what is taking place in the Caribbean Basin.

Senator DODD. I just think before we reaffirm various doctrines and the application of treaties, as we are doing here in this resolution, it ought to be clearly understood that these doctrines and these principles have historically been applied selectively, where it has served our interests. I think this is an important point, and it is something that you have indicated you generally agree with by your most recent statement.

Let me get to a point, though, that I think is so important. It has been raised by both Senator Glenn and Senator Tsongas. It is this.

Your resolved clause, paragraph (b), reads, "to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States." Is the Soviet brigade still in Cuba?

Senator SYMMS. I would assume so.

Senator DODD. What are we going to do about this?

Senator SYMMS. I am not going to do anything about it. They are not much of a threat to the United States.

Senator DODD. That was a pretty heavy debate item, as I recall, in a campaign in the far West.

Senator SYMMS. I wasn't the one who brought the issue up, I might mention.

Senator DODD. But you don't believe we should do anything about that?

Senator SYMMS. I think it is only there as a symbolic point. The Soviet brigade is in Cuba.

Now, is it true or is it not true that the Cubans have 50,000 troops out of their country—as I think Senator Pell said—more troops out of their country than any other country in the world, except for the United States and the Soviet Union?

Senator DODD. But you don't believe that that brigade endangers the security of the United States?

Senator SYMMS. That brigade is there merely to rub a little salt into the situation here——

Senator DODD. But it does not endanger our security?

Senator SYMMS [continuing]. And it is a symbol. It does not endanger the security of the United States.

Senator DODD. I see that my 5 minutes are up.

Mr. Chairman, let me conclude by saying this. We sometimes get into the position here as to who is more anti-Cuban or more anti-Soviet. The point is I don't think you are going to find anyone on this committee, or in the Senate, for that matter, who is sympathetic to the Soviet

Union or to Castro's Cuba. The question is how do you apply resolutions effectively.

The effort here, as I see it, is to sort of separate those who are interested in the pursuance of sound diplomacy and those who are interested in political statements.

Frankly, I think we get ourselves into an awful lot of trouble. We have a policy. It has been in place now for 20 years. No one disagrees with it at all. No one has questioned that that policy ought to remain in effect. And yet, we state here once again that we are going to prevent by whatever means, including military force, and we are going to be called upon, I presume, to support that statement.

It was sort of along the lines of the previous administration drawing a line in the sand.

I think it is much wiser in some ways to leave your opponents in doubt as to what we might do, with no question as to the fact that we would consider any actions on their part that would in any way jeopardize our security interests as serious. But to lay out categorically what we intend to do and then, however it may occur, to be called upon to respond to the dictates of this resolution, and for a whole host of reasons, intelligent reasons, to not be able to respond as the language of the resolution would indicate, I think, runs the risk of far more jeopardizing our security interests by that counteractivity rather than anything that we may include in a resolution or proclamation.

I think, frankly, that we run the risk of endangering our security by making statements without considering what the ramifications are and how we intend to back those things up. That point was made by both my colleagues.

The CHAIRMAN. The Senator's time has expired.

I would ask Senator Symms if he would like to reply to that one question, or that one comment.

Senator SYMMS. I would just say in summary, in response to Senator Dodd's question, that I appreciate his question and his point of view.

But what we are saying with this resolution is only reaffirming what our present law is. We are not telling the Commander-in-Chief that he must do this or he must do that.

Some of the questions that Senator Tsongas was bringing up are the things that are already law. We can already do all of those things.

The point is that to not affirm this would be a reaffirmation that we are not going to do anything. So then there would be no teeth in the law that we now have. There is no guessing because the United States won't do anything. Just lay down your arms, boys, and take over El Salvador and take over Mexico and walk across the border, come into the United States, you don't have a problem.

That is the point. The point is there is a Marxist-Leninist revolution being exported from Cuba to the mainland of the Americas, right in Latin America. There are 100 million people who live between the Texas border and the Panama Canal.

Look at how the boat people tried to escape Vietnam. They came in leaky boats, risked their lives, just to get out from under. The rule has been about 10 percent of those people in countries that go Communist try to leave the country.

If 10 percent of the people in that part of the world walked north—and it would probably be much higher because they won't have the

problem of having to get into leaky boats, they won't have the problem of having a geographical barrier to stop them, then I perceive that we will have an enormous problem in the United States that we should try to avoid now.

We should look down the road 10 years from now, where will we be 10 years from now with our foreign policy, and we should do those things now to help stabilize, if you will, the situation for the good people who live south of the border, between here and the main continent of South America. That is really what we are talking about.

Latin America is where the battleground is taking place. Castro is clearly trying to encourage the revolution, and we have an interest to stabilize it and to help those people in that part of the world have some economic development and develop a middle class, if you will, to avoid the conflict that has brought on revolution in so many parts of the world, a Communist-type revolution, always to end up with less freedom, less liberty, and a lower standard of living than what they might otherwise have had.

I think that is what my whole point is. That is my contention.

Now is an appropriate time for the Congress of the United States to speak to that issue, to give a clear picture of what the United States is getting into.

Now, for us to get into some kind of debate here or discussion about whether you would do this or do that is totally not helpful to the situation, in my opinion. That is not in our best interest.

We have one Commander-in-Chief, not 99 or 75. That is one of the problems, I think, of——

Senator TSONGAS. Would the Senator yield on one point?

The CHAIRMAN. I feel that we have held Secretary Rogers up for 1 hour and 45 minutes, and he is our principal witness this morning. I really think we should not debate this.

We will have plenty of time on the floor to debate this issue.

Senator Symms, I would only like to say, on behalf of all of my colleagues who have raised some serious questions, that I think we have reaffirmed, in a sense, the concerns that the administration had. In their letter to Senator Baker they said, "We do not find the Symms restatement resolution helpful to our overall efforts in that region now."

I think the committee process had to be used. That resolution could not be taken up on the floor without adequate debate by this committee. How it is interpreted and how it is perceived is important.

Why, I can just see what would happen in Argentina if we reaffirmed today not only what happened in 1962, in light of today's circumstances, but that an armed attack by any state against an American State shall be considered as an attack against all of the American States. Consequently, every American State is to undertake to assist in meeting that attack. How would Argentina use that when overwhelmingly the sentiment in the United States is that the United Kingdom is morally right, and is standing up for international law? How could we invoke at this particular time the Rio Treaty of 1947, which has a slightly different application?

I might say that I think you have provoked one of the better debates in this committee and I thank you very much for your appearance.

We will look forward to working with you on the Symms resolution as we mark this up.

Senator SYMMS. Thank you very much, Mr. Chairman.

The CHAIRMAN. So that we can proceed immediately with Secretary Rogers testimony, let me say that Senator Byrd will not be coming up to talk about his resolution. I would ask the committee, as a courtesy to Senator Byrd, that before we do mark this up we provide time for Senator Byrd to come up to present his resolution.

Secretary Rogers, you have had a warmup. I have already introduced you.

We are very glad to have one of our most distinguished former diplomats before us this morning to give us his objective views on this issue.

STATEMENT OF HON. WILLIAM D. ROGERS, FORMER UNDER SECRETARY OF STATE FOR ECONOMIC AFFAIRS AND FORMER ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS

Mr. ROGERS. Thank you, Mr. Chairman. You already have had a remarkable discussion of this matter. We will see whether I can contribute very much more to it.

The testimony that I have prepared can be introduced into the record as it is. Let me try to touch on a few of its highlights.

The CHAIRMAN. I have read, and I am certain the committee members have read your full testimony. It is a remarkable document. I would commend its full reading to everyone.

But if you wish to summarize it, please go right ahead.

Mr. ROGERS. Let me just say that after an initial discussion of several principles that I think ought to be borne in mind with respect to Latin American policy, I attempt to say a word or two about the various legislative proposals before the committee or in the offing. I first touch upon the Caribbean Basin Initiative. I suggest that, although it is inadequate in three respects, I think it deserves the committee's warmest and heartiest support. In my judgment, it is what this country does with respect to the economic and social change and development of the region, which is the most important instrument of foreign policy at our command.

Then I go into the Tsongas and Hatfield proposals and suggest that, in urging that there be negotiations between the Government of El Salvador and the FDR/FMLN in one fashion or another, they are probably too rigid and lack the flexibility which I think must be a hallmark of our policy in view of the rather remarkable changes which have occurred in that country since the election, and the unforeseeable nature of what may eventuate from that election.

I follow that with a rather general statement about the uses of law and legal pronouncements in foreign policy in general.

I then touch upon the third set of proposals before the committee, including Senator Byrd's proposal, with respect to the requirement that there be prior specific authorization before the stationing of any U.S. combat personnel in El Salvador, or, as in Senator Dodd's proposal, the deployment of personnel or military assistance anywhere in Central America without prior specific approval.

Here, again, I think that those resolutions lack the flexibility which I regard as essential to our diplomacy in the next several months in the

region. I suggest reasons why I think it is not necessary to go, as those proposals do, beyond the present War Powers Resolution.

Then I say a word about the Symms resolution. I might say that I mention one specific point about the Symms resolution which might be worth bearing in mind here.

This has to do with its relevance to the Falkland Islands dispute which you, Mr. Chairman, touched upon.

In Latin America today—and I know this because I have talked directly with a number of my friends in a number of countries, such as Mexico, Venezuela, and elsewhere by telephone in recent weeks—the central, burning issue is the Falkland Islands crisis. This is the matter which is galvanizing the attention of all of Latin America, and galvanizing it in a way which focuses on the role of the United States.

The key question in that dispute, Mr. Chairman, as you have suggested, is Argentina's unilateral use of force to settle its ancient grievance.

I must say that I would be very concerned that a ringing reaffirmation of the 1962 Cuban resolution just now by the United States could easily be misunderstood in Latin America. It could be misunderstood either as a vindication of the prrinciple that resort to arms is appropriate if the case is serious enough; or, perhaps even worse in Latin America, it would be interpreted that we accept the use of force by big powers but not by the weak.

I therefore urge the committee to use exquisite care and not take any steps which might be misunderstood by the parties to the Falkland Islands-Malvinas crisis, or give any solace to those who would weaken the strictures of article 2(4) of the United Nations Charter at this particularly critical moment in our hemisphere's history.

Then, having offended virtually everyone who has made a suggestion to the committee about legislation, I go on to put forward two suggestions of my own. The first goes somewhat beyond the short term and tactical aspects of the Tsongas and Hatfield proposals but looks very much in the same directions. I suggest that Congress might want to record its gratification that the election was held in El Salvador, confirm its support for democratic change there, but make clear that this support depends on the continued commitment of the government to land reform, social justice, the professionalization of the armed forces and an end to official violence not strictly required to counter guerrilla terrorism.

Second, I suggest that, instead of the negative strictures of the Byrd and Dodd proposals, you might think about a statement affirming the positive, along the lines of a reaffirmation of our commitment to the principle of reciprocal nonintervention, and expressing your support for the possibility, within the framework of reciprocity, of exploring ways to improve understanding with Nicaragua, Cuba, and the Salvadoran opposition.

I think, Mr. Chairman, there may be at the moment a small window in Central America for the longer view. Things may not be as close to the abyss as the media seemed to be suggesting a few months ago.

There have been a number of interesting, perhaps hopeful, developments in the region, such as in Guatemala, the elections in Salvador perhaps, and certainly overwhelmingly the fact that we now have con-

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tinued expanded opportunity to work with Mexico and Venezuela in the resolution of those disputes.

I would urge, therefore, that in this critical moment this committee do take the long view and appreciate the realities of the hemisphere before it steps in with resolutions and actions which might, in fact, be counterproductive to the long-term national interests of the country.

Thank you.

[Mr. Rogers' prepared statement follows:]

PREPARED STATEMENT OF HON. WILLIAM D. ROGERS

Mr. Chairman, Committee members: I am delighted with the opportunity to meet with you again.

This time, unlike most of my previous appearances, Latin America is very much in the public mind. There is something ironic about this. During my tenure as Assistant Secretary and Under Secretary of State, I was regularly struck by the conviction of the Latins that the United States was not paying adequate attention to the region. And it was true. Throughout the mid-1970's Latin America was not at the top of our international worry list, if you please—a few special issues like the Panama Canal treaties excepted. I argued to my Latin American friends that they should regard the relative inattention in Washington not as bad luck but as good. If they wanted to capture our concern, they only had to make Latin America an area of superpower confrontation, as it had not been since the Cuban Missile Crisis twenty years ago, or organize a war.

That Latin America should today command so much of Washington's attention says much about the contemporary tragedies of our Hemisphere.

It is the manifestations of that concern now before the Committee that I shall address here—the various legislative proposals relating to Central America and the Caribbean, and their relative utility, if you will, as instruments of United States policy and interest in the region.

Before touching on these legislative proposals specifically, though, I would first like to suggest four principles that, from my all too-extended experience in Latin American policymaking, need to be kept constantly in mind.

The first principle is that the United States must have the wisdom to embrace the long view in the hemisphere. The problems of the region will not be solved overnight. There are no instant solutions or quick fixes. The United States becomes intoxicated with crisis, and all too often shifts its attention as foreign affairs fashions wax and wane. We are now faced with the necessity for a permanent foreign policy, one which takes due account of the long-term strategic interests and challenges of the nation, in this Hemisphere and throughout the world.

Second, we should remember that the future is no more surprise-free than the past in Central America. Not even the experts predicted the coup in Guatemala which produced Rios Montt; indeed, one gathers that our Embassy there had no idea what was afoot, and that we are still sorting out its consequences. Yet the shift in that government will have a critical consequence for the future course of events throughout Central America. Nor did anyone foresee the death of Torrijos, or the precise outlines of the Salvadoran elections. We must embrace a strategy in Central America which has room for the unpredictable in order to accommodate rapid change.

Third, we must be acutely aware of the limits of our own influence and of the fact that our most admirable and selfless intentions can backfire. Our leverage is less than most people think; the results of our direct efforts, often perverse. I get the impression sometimes that the spectrum of political opinion in this country converges at the extremes, and that both liberals and conservatives are persuaded that we can control events in Latin America. The teachings of history are sobering. We were the dominant power in Central America and the Caribbean within this century. We could and did take the responsibility, as President Wilson said, in teaching them how to elect good men. No longer. For a thousand reasons, the days of Wilson, to say nothing of Monroe, are over. We live in a new age, and one in which our preferences, though important, lack the decisive sweep and the impact of earlier times.

Finally, and as a corollary, we must now harmonize our policy in the area with the interests of our friends, most particularly Venezuela and Mexico. One of the most encouraging aspects of the Administration's recent efforts has been its willingness to listen to Mexico and Venezuela, and in making them and Canada

and Colombia full partners in the Caribbean Basin Initiative. This, in my view, is a key to future policy. By seeking their active participation, we strengthen our hand, we recognize the important financial and diplomatic contributions they can make, we avoid working at cross purposes and we recognize that ours is not the only interest affected by developments in Central America. But because our policy in the region must now be more multilateral than in the past, it requires an even greater degree of Executive Branch discretion, and puts an even higher burden of proof on proposals for legislative generalization.

Let me now try to say a word or two about the instruments of Congressional engagement in the Central American policy process, measured against the principles I have set out above. As I see them, there are four major sets of legislative proposals now before you or in the offing relating to the crisis in Central America. These are:

The Caribbean Basin Initiative;

Congressional declarations in favor of political negotiations in El Salvador;

Requirements of prior, specific Congressional authorization for any increases in U.S. military personnel or military aid; and

Congressional reaffirmation of the October 3, 1962 resolution on Cuba.

I shall address these four, and then advance two other suggestions.

1. Far and away the most significant tool of American policy in the region is development assistance. The bother, of course, is that its results are ambiguous and maddeningly slow. But the significance of the U.S. contribution to economic, social and political development cannot be overestimated. There is nothing more important, in my judgment, that we can do to enhance our own national interest in Central America and the Caribbean than to support the process of long-term economic growth and modernization in the region.

I applaud, therefore, the Administration's Caribbean Basin Initiative. It is long overdue. And it is inadequate on at least three counts. They are:

That it overstates the significance of the trade liberalization measures for the recipient nations;

That its level of official bilateral development assistance is too low; and

That it puts forward romantic expectations of what the private sector can do in the short run, and under present conditions, for the region.

Yet, I urge the Committee to give the CBI its early and heartiest support.

2. The Tsongas Resolution, Senate Joint Resolution 144, declares as a matter of public policy that negotiations go forward in El Salvador between the government and the FDR/FMLN. Senator Hatfield would go further. His Senate Bill 2243 would terminate "military support" to that government in the absence of negotiations.

These proposals were put forward, of course, before the events of the past few days. The elections in El Salvador had unforeseen results. The right wing parties have used their assembly plurality to elect d'Aubuisson and others to controlling posts in the Assembly and in the Ministries; on the other hand, and to the evident satisfaction of at least some of the Christian Democratic leaders and the military, Alvaro Magana has been selected as President. How the influence of the two branches will shake out over the long haul, what form Christian Democratic cooperation with the new government will take, whether the Christian Democrats' involvement in that new government will erode its base as the largest single party—anyone can guess. But the answers to these questions will have a vital bearing on whether and how actual negotiations may be begun between the new Salvador Government and the FDR/FMLN, and who will participate. The circumstances in El Salvador, in other words, are too unpredictable for Washington to say that immediate negotiations are clearly the next best step—or even the next feasible step in the search for an end to the killing there.

Indeed, there are even situations which Senator Hatfield's bill could give added legitimacy to a rightwing regime—assuming the new government of El Salvador eventually takes on that coloration—if the FDR/FMLN refuses to negotiate. This perverse effect illustrates the general danger of such legislation at this time.

Congress should be wary of attempting to prescribe domestic political tactics for a foreign government. Lawmaking has its role in foreign relations. But the law's advantages are also its disadvantages. It is at once the most public, inflexible and universal instrument of policy. Law is therefore useful in either of two circumstances, as I see it. The first is when an Administration is on a dangerous frolic and detour, out of control, and is preempting Congress from exercising its

appropriate functions by failing to consult and inform, as Congress perceived to be the case in Cambodia, Vietnam and Angola. The second case for legislation is when there is a need for a general rule to govern a clear and predictable foreign policy situation.

I submit that neither is the case here. Whatever one might say about its actions in El Salvador, this Administration has behaved far more openly with the Congress than its predecessors did during Cambodia, Vietnam or Angola. Nor is the future in El Salvador very foreseeable. To the contrary, as I have said, events are popping around us every day. No one knows how the domestic policy structure in El Salvador will evolve. The situation there argues not for universality but for flexibility, not for a general principle but for Executive Branch discretion and deniability.

On the other hand, Congress might well informally encourage the interesting possibility of talks between the FDR/FMLN on the one hand, and the United States on the other. Deputy Assistant Secretary Bosworth said the other day to this Committee that "mechanisms could be found to facilitate the entry of these groups into the democratic process. We will be prepared to be of assistance in the discussions or negotiations which might be required." I believe that such an effort by the United States could be constructive. But the talks must be secret. They cannot be mandated by legislation requiring the President to certify to the Congress that the process has begun. My own experience in our secret talks with Cuba in 1974–75 and in the early negotiations opening the way for majority rule in Rhodesia persuaded me that in matters as delicate as these negotiations run the risk of collapse if the parties must constantly consider how each day's tactical positions will read on the front page of tomorrow's Washington Post and in Senatorial debate.

3. A third group of proposals are those which would prohibit the stationing of any U.S. combat personnel in El Salvador, as in Senator Byrd's S. 2179, or the provision of any military assistance, including personnel, anywhere in Central America, without a declaration of war or some specific authorization by the Congress, as in Senator Dodd's S. 2370.

Both the Byrd and Dodd bills go an important step beyond the War Powers Resolution. I am of the view that the genius of the War Powers Resolution, on which I collaborated with Senator Javits at the time of its consideration, and publicly supported in testimony before this Committee, is that it allows the President a latitude or response to emergencies but requires Congressional approval after a reasonable period. The Byrd and Dodd proposals go against the grain of that process, by requiring up-front approval for any military actions by the Executive Branch.

When Congress acts in foreign affairs it invokes general principle and restrains flexibility. Central America today demands flexibility. This Administration is not out of control, as was the case in Vietnam. There is no practical political possibility that it will introduce ground troops into battle in El Salvador, or attack Nicaragua. To do so unilaterally would affront the treasured principle of nonintervention and drive all Latin America against us, to say nothing of our European allies and Japan.

If the War Powers Resolution, which emerged from the cauldron of Vietnam and Watergate, was adequate to the lessons of that day, I cannot see why this Congress now needs to take the more stringent step of exacting prior Congressional approval for Central America.

4. I turn now to the final legislative instrument of policy before you—the Symms Bill reaffirming the October 3, 1982 Joint Resolution on Cuba. I realize that the Administration has signaled that it is not opposed. I think the adoption of the Symms' proposal would be a mistake.

The conflicts in El Salvador, Guatemala, and Nicaragua antedate Fidel Castro; they would continue if Cuba disappeared beneath the sea. This is not to say that Cuba has no responsibility for the turbulence that marks those countries; only that we mislead ourselves and misdirect our energies if we fail to look beyond Havana, fail to support the processes of peaceful growth and development within Central America itself.

Second though our policy of economic denial has imposed costs on Cuba and the Soviet Union, threats of coercion have not yet moved Fidel very far. The 1962 Resolution has not had much consequence for two decades. Reaffirming it now would not alter the case very much.

Finally, the burning issue in Latin America today is not Central America. It is the Falkland Islands-Malvinas dispute. The key question in that dispute is

Argentina's unilateral use of force to settle its ancient grievance. I would be fearful that a ringing affirmation of the 1962 Cuban Resolution by us just now would be misunderstood in Latin America, either as a vindication of the principle that resort to arms is appropriate if the case is serious enough, or alternatively that we accept the use of force by big powers but not by small. I would urge the Committee to use exquisite care not to take any step which might be misunderstood by the parties to the Falklands-Malvinas crisis, or give any solace to those who would weaken the strictures of Article 2(4) of the U.N. Charter.

There are, however, two initiatives that Congress might consider.

First, looking in somewhat the same direction as the Tsongas and Hatfield proposals, but moving beyond the short term and the tactical, Congress might well record its gratification that the election was held in El Salvador, confirm its support for democratic change there, but make clear that that support depends on the continued commitment of the government to land reform, social justice, the professionalization of the armed forces and an end to official violence not strictly required to counter guerrilla terrorism.

Second, instead of the negative strictures of the Byrd and Dodd proposals with their implications that the Executive and the Congress are locked again in partisan struggle as they were during Vietnam, I would prefer an affirmation of the positive. Congress might consider a resolution along these lines:

> That our policy in Central America is firmly based on the principles of the inter-American system. We will respect the right of every other nation to order its internal affairs as it will. We will avoid intervention and the use of force insofar and for so long as others do likewise. Restraint in this Hemisphere is a reciprocal principle; and
>
> That there is support at this end of Pennsylvania Avenue for direct talks by the Executive Branch, within this framework of reciprocity, to make clear our policy and to explore ways to improve understanding with Nicaragua, Cuba and the Salvadoran opposition.

In my view, such a statement would be a balanced signal to Fidel and the Central Americans. It would, I think, evoke a more positive echo in Caracas and Mexico City than a continued campaign of verbal terrorism—which, I would add, can work against its own ultimate purpose by strengthening leftist nationalism in Latin America. It would properly emphasize our commitment to non-use of force in international affairs, except for individual and collective self defense, and this would be particularly desirable during the Falkland Islands-Malvinas crisis. It would avoid the impression that Congress is picking a partisan fight with the Administration. And it might, I think, help the Administration get its act together make clear that the Congress will allow the Executive scope for secret exploration and make it possible for our side to respond to interim concessions without feeling that it must wait for total capitulation.

It may be that we have a small window of historic opportunity for such a longer, more strategic approach. Central America may not be quite so near the abyss as our media made it seem a few months ago. If we do not applaud the way he got there, at least the consequences of the Rios Montt accession to power in Guatemala—a measurable reduction in official killing and corruption—are happy omens. The commitment of so many in El Salvador to the democratic process is as well. And the barely perceptible evidence that the antidemocratic forces in the region are looking down the path of accommodation may also be positive. Certainly the continued opportunities to work in harmony with Mexico and Venezuela are.

If we are to succeed in Central America, our policy must be based on the realities of that region, not on our own illusions. We should not confuse propinquity with importance. Nor does it contribute to analysis to pretend that Central America is a microcosm of the United States, or that it will—or should—follow a trajectory of political development similar to our own.

The nations of Central America have a heritage unique to them. They are not blank pages upon which outsiders may write as they will. The root cause of Central America's crisis today is not Cuba. It is its own history of repression and poverty. Its victims, first of all, are Central Americans. It is not our front yard. It is theirs. We ignore the reality of Central America's distinction at grave peril to sound policy.

The CHAIRMAN. Thank you very much.

So as to minimize the amount of time that we have for a vote, Senator Kassebaum, I wonder if you would wish to go down to cast

your vote and then, as soon as I finish asking my questions, I will go down to vote.

Maybe we could rotate so as to pick up some time.

Secretary Rogers, again, I commend you on your truly outstanding statement. You have indicated the same concern that I expressed about this particular time. Even if the State Department considered the Symms resolution untimely and unhelpful the last time we considered it, I think the State Department ought to take another look at it in the light of today's circumstances, and I would ask that if do so.

I am concerned about a reaffirmation of the Rio Treaty of 1947 at this particular time. It is a binding treaty, but would this be misinterpreted and could it just be played all over Argentina as a contradiction or hypocrisy, in a sense?

What is your assessment of the Symms resolution on Cuba? In your judgment is it a help or a hindrance to a proper policy toward Cuba?

Mr. ROGERS. Well, you can look at that in several ways, Mr. Chairman.

I negotiated with the Cubans secretly, as you know, in 1975. So I have had some direct experience in the kind of exploration of the possibility of better understanding diplomatically that may be in the offing now.

My general sense from that experience is that this would not have very much effect on the Cuban posture with respect to negotiations with the United States, if they were undertaken.

Conceivably, as has been suggested here, the way to make progress with the Cubans is to confuse them, to keep them in the dark about your real intentions and purposes. Well, if that is a viable negotiating strategy, enactment of the Symms resolution would certainly do that.

I am not sure what it would accomplish, frankly, and therefore it would introduce a sense of confusion, I think, on the Cuban side. But I am not sure that would make very much difference in the long haul with respect to how such negotiations might work out.

The CHAIRMAN. There has been a lot of comment about the fact that the administration has chosen to use a hard line against both Cuban activities in the region and also against the Cuban regime itself.

Because of your extensive background in dealing with the Cubans, in negotiating with them, and in having direct contact with them, would you comment on the possible reactions that such a policy is likely to have in Cuba. For instance, is the Castro regime likely to abandon subversive activities in the region because of such pressure?

What other policies would you pursue to achieve this goal? Is the goal of changing our relationships achievable under any conditions in your judgment?

Mr. ROGERS. Well, those are a series of questions. Let me see if I can give you a summary check list of responses, Mr. Chairman, and we can pursue it if it is helpful.

First, in my judgment, rhetoric, even blood-curdling rhetoric, does not affect Cuban behavior. That is my first point.

The second point is this. To go beyond rhetoric is difficult in a way which does not violate our international legal commitments and cost us seriously elsewhere in Latin America and elsewhere in the world, in Europe as well. By this I mean specific resort to such actions as

supporting internal subversion within Cuba, terrorist activity within Cuba, and blockade, all of which occasionally have been mentioned. Each one of those kinds of more stringent action, going beyond rhetoric, would be severely costly to us, not only in terms of possible confrontation with the Soviet Union, but also in terms of our relationships with our allies.

The third point, however, is that there are a number of things in which the Cubans are interested. They certainly were when I was negotiating, and I think there is no reason to suspect any change. They are interested in several things in terms of our policy. The first is our economic embargo. There is no doubt that that has cost the Cubans seriously and they would be interested, indeed they have affirmatively said that they are seriously interested in measures which would lead to a suspension of that embargo.

We have a number of other chips with which we can bargain with the Cubans. In my judgment, a straight-up negotiation which lists the issues in which they are interested and those in which we are interested, which goes beyond rhetoric and which goes beyond empty threats I think is the way—if there is a way—to an improved understanding and relationship with the Cubans, and improved Cuban behavior in the hemisphere.

The CHAIRMAN. In your working with the Cubans, you were responsible for establishing interest sections in each country. From your experience then and subsequently, do you really believe that the Cubans are interested in establishing full relations with the United States? Are they willing to compromise some of their positions in order to achieve such relations?

Mr. ROGERS. Actually, the interest sections came after I left office.

In my judgment, yes, I think the enhancement of the diplomatic relationship is one issue in which the Cubans are interested. I think they are also interested in a number of other aspects of our policy toward Cuba, the economic aspects I think being the most important.

Whether a negotiation which puts all of these possibilities on the table, in other words lists on the one side things that we are prepared to do and on the other side things that we want them to do, such as desist from additional support for the guerrillas in Central America and so forth, would produce a meaningful bargain or not, I am not sure. But I think it should be tried.

I would be in favor of exploration.

Mr. Chairman, if you will, let me add one other thought. And I hope this will not seem in any sense offensive to the committee. But with all due respect, I think, particularly given the climate in this country at the present time, it is important that the opening phase of those negotiations be secret. I do not think that it is possible to develop an agenda and begin the first process of talks with either the Cubans and/or the Nicaraguans and/or the opposition in Salvador if that must be done in the glare of public attention.

I, therefore, think it is important that the committee indicate to the Department of State its understanding of that and its tolerance of the possibility that these beginning explorations could be done in a secret way.

The CHAIRMAN. Thank you, Mr. Secretary.

Unfortunately, I have about 2 minutes left to cast my vote. We will suspend this hearing for just a moment. I would ask that as soon as the first Senator comes in, he immediately resume questioning you so as not to waste your time.

[A brief recess was taken.]

Senator TSONGAS [presiding]. Why don't we begin.

I understand that Senator Percy will be back very shortly.

Let me begin by asking you if you know what a Styx missile is. [General laughter.]

Mr. ROGERS. I know what a Styx missile is.

Senator TSONGAS. Well, if you know the answer, I am not going to ask the question. [General laughter.]

Let's talk about what is happening in El Salvador. A report in the paper today suggests that the military and the Christian Democrats are upset and boycotted the session.

You referred to the "window of opportunity," but it sounds to me like a "window of vulnerability." With which window are we dealing at this point and what is going on over there?

Mr. ROGERS. In El Salvador?

Senator TSONGAS. Yes.

Mr. ROGERS. Well, Senator, frankly, I have not been there since December 1980, when I went down for President Carter with respect to the murder of the four American churchwomen. I have tried to follow it as best as I could from here, both in terms of the press and in other ways.

My sense is that things are both less clear and, potentially, more hopeful than they were a few months ago. I say this for several reasons.

First, it seems to me that the turnout—and in parenthesis I would say that I am skeptical about the high numbers, I think it was somewhat less than those numbers are purported to have been—at least the high turnout itself is undoubted, and this is an encouraging sign, in my judgment. The people of El Salvador were prepared to participate in a democracy and in a democratic exercise.

Second, Alvaro Magaña is a considerable figure. In fact, I knew him when he was up here during the Alliance for Progress days. He was head of the tax reform program over at the OAS. I think it is grounds for optimism that he is the chosen President and that he has the support of the armed forces. I think it is also interesting, paradoxically, that it is the armed forces who are unhappy with what is evidently the extremist, rightist tendencies of some of the officials who have been inaugurated as leaders of the assembly there.

This tells me that things are very much in flux and it is very hard to say how it is going to shake down between Magaña on the one hand and d'Aubuisson on the other.

I think, therefore, when things are in a flux, like this, there are opportunities for imaginative statesmanship. So I am not entirely pessimistic. I think we ought to stay in the game and play it as hard as we can.

Senator TSONGAS. I don't disagree.

What is confusing to me and I think to Senator Dodd as well, is this. As you know, we had our resolution, to which you made reference, urging negotiations. We met with Secretary Enders who urged that this

not be done before the recess, and we acquiesced to that, kicking and screaming, but we acquiesced nonetheless.

Now you have a statement by Ambassador Hinton saying, in essence, that Congress would support whatever regime emerges in El Salvador.

As far as I know, the administration has not denied that or refuted it. Is that now the administration's position? It certainly was not during the Enders session with us.

Mr. ROGERS. I don't know what the Reagan administration's position is. I hope that is not its position. I hope the Reagan administration is not indicating that it has given a blank check to the Salvadoran Government. This is why, Senator Tsongas, I suggest that you might think about a resolution for this body saying that we are going to stay the course as long as there is continued support for the reform programs, continued movement and progress with respect to professionalization of the army and reduction of official killing not related to the guerrilla activities, and continued human rights protections and progress with respect to the democratization of the country.

Senator TSONGAS. I guess my concern is this. If our Ambassador makes a statement which is not then rebutted, the only assumption one can make is that is where we are coming from and that is, indeed, U.S. policy. For example, President Reagan has a press conference and then, 3 or 4 hours later, the administration has a spokesman who then clarifies various matters that he went into. So there is a sensitivity for clarification.

Hinton made the statement, as I understand it, on Saturday or Sunday. As far as I know, there has been no statement made whatsoever. So why are we in error to assume that this, in fact, is where we are coming from? It is in diametric opposition to where Secretary Enders was Thursday before the recess.

Can you see our concern?

Mr. ROGERS. I know the statement by Ambassador Hinton to which you are referring. There is some indication that it was offhand and not intended to be a representative statement of official U.S. policy. So I think you are right to raise the concern. I think you ought to smoke it out.

Senator TSONGAS. That is what I am trying to do.

Mr. ROGERS. Yes, but I am not your fellow for that.

Senator KASSEBAUM. Senator Tsongas, would you yield for just a moment?

I think it has been clearly reiterated by the administration, over and over again, that our policy has always been support for reform, land and political, and the continuation of human rights, and that we would not deter from that as far as any conditioning for aid that would be sent to El Salvador.

I have seen nothing to refute that this is still not firmly our policy.

I read Ambassador Hinton's remarks, too, but I think that it was not his intent to imply that there was any change.

Senator TSONGAS. I would just like the administration to clarify that because he said that the administration will continue aid no matter what government takes shape.

If the Congress does send signals, all I am asking is that we reaffirm what, in fact, already exists.

I know how this has been interpreted both in this country and in El Salvador. It is troubling. We all say things that we later clarify, so I am just asking for the clarification.

Let me raise one other issue, and then I will defer to the Senator from Kansas.

I was troubled by the resolution that came before us before you testified because of the statements made in the Congressional Record that can be refuted only with CIA secret intelligence. Someone like me is in an obvious dilemma knowing differently, yet being unable to voice that difference. It is frustrating.

The administration has had some contact with Cuba, in essence, indicating that it would be more in their interest to be moderate than it would to be radical. I think this is a good sign. I think Richard Nixon will tell you that the best thing he did was open up relations with China, and I would have to concur with that.

My concern about the resolution is this. I think it will pass, because no one wants to go home and say why he or she took a pro-Castro position, except some of us who would try to explain it in less simplistic terms.

But this kind of resolution, if passed, I think plays right into the hands of the Soviets by saying, in essence, to Castro, you see, you have no other place to go but to us, and so on.

I would assume if something like that passes, the reaction by the State Department and the administration will be the appropriate number of winks to the appropriate number of people.

What I am going to ask I am not sure at this point you are in a position to answer, so let me leave the subject at that. Obviously you are not in a position to comment beyond what already has been said, unless you want to throw something in for its own sake.

Mr. ROGERS. Well, I will say this, Senator Tsongas.

I was discussing earlier with Senator Percy my own experience in negotiating with the Cubans in 1975. He wanted to know whether the reaffirmation of the 1962 resolution would have a major impact on Cuban negotiating policy. I said I thought not. I said I thought it might confuse them. But, in my judgment, it is not rhetoric that is going to control the balance of the negotiating results, the negotiating tactics of either side. In my judgment, I think it is the realities of what they are prepared to do and what we are prepared to do.

I think, frankly, the major international impact of that resolution would not be on our relations with Cuba, but on the big issue in Latin America today, which is the Malvinas-Falkland Islands case.

To me it is a reaffirmation of the legitimacy of the use of force in international affairs in certain circumstances, and I think that is a very big mistake.

Senator TSONGAS. The question I was going to ask Senator Symms at the end was what position he took on Argentina and Great Britain. As you know, some members of the committee have taken a pro-Argentine posture, which I think raises fascinating questions. If that is legitimate, what about Mexico's claim to California, New Mexico, and Arizona. From my Frost Belt perspective, this is not as critical as it would be from a California, New Mexico or Arizona perspective. But, anyway, it is troubling.

I guess I have a mental bloc against someone saying "charge" and once having advanced toward the enemy asking "what do we do" and then deciding "well, it is up to the Commander-in-Chief to decide." All at once you have gotten the charge going.

At any rate, I would hope that our call for negotiations would not be dismissed because it was made in good faith. I think the parallel of Rhodesia-Zimbabwe offers some insight as one that worked out rather well. And I think it should be tried here, at least to some extent.

Mr. ROGERS. I think we ought to pursue the possibility of negotiations as actively as we can. My only question is whether or not it is appropriate to force it through a congressional resolution, that is all.

Senator TSONGAS. Well, we do feel running room is essential.

Thank you, Mr. Chairman.

The CHAIRMAN [presiding]. Secretary Rogers, I wonder if we could suspend this hearing for just a moment, while we have a working quorum with us.

Supposedly, beginning at 11 o'clock, we were to have a business meeting, but we are way behind schedule.

So, let us go immediately into a business session.

[Whereupon, at 11:55 a.m., the committee recessed, to reconvene immediately in a business meeting.]

[Whereupon, at 12:16 p.m., the committee reconvened in open session.]

The CHAIRMAN. Secretary Rogers, you have been very patient, and we will continue this hearing.

Senator Kassebaum, are you the next questioner?

Senator KASSEBAUM. I think so, Mr. Chairman.

The CHAIRMAN. Senator Kassebaum.

Senator KASSEBAUM. Thank you, Mr. Chairman.

Secretary Rogers, I would just like to say that I thought it was very thoughtful testimony that you presented. I would like to ask you to comment on the phrase you used, "window of historic opportunity." I think that is a very astute and I hope clairvoyant observation.

I would like to know what you think about the proposals that we have put forward to Nicaragua that have been expanded, and which include the Honduran proposal which in many ways I think can be interpreted as an international arms monitoring proposal, to a certain extent. Do you think there might be some hope for crafting a regional arms control proposal?

Mr. ROGERS. Well I think there is because I happen to be optimistic enough to believe that sometimes things that make sense are on occasion accepted by men and by statesmen.

It seems to me to respond so directly to the needs of the region that, over time, I think the proposal will be worthy of active pursuit.

I think the Reagan administration's articulation of that proposal and its earlier efforts to explore it were commendable. What I fear now is that we may miss what I think are even more favorable circumstances for a relaxation of tensions in the region, arising from a variety of happy events, none of which were foreseen—such as the coming to power of Rios Montt in Guatemala, the elections and the possible resulting installations as President Magaña in El Salvador, and the indications that the Nicaraguans are quite prepared to talk.

I think an active diplomacy of attempting to put those things to-

gether and exploring ways in which we could come to a regional arrangement, including a regional arrangement with respect to arms control and monitoring, is worthy of the best diplomatic talents that we have.

Senator KASSEBAUM. Do you feel that we should be taking an active leadership role in that? Obviously we are very much a factor there. Or, should we be more behind the scenes, encouraging someone else? For instance, you mentioned Mexico and Venezuela. Should we encourage someone else to take the lead? Do you believe that would be more successful?

Mr. ROGERS. Senator Kassebaum, my experience is first that it is essential that we not get out in front of Mexico and Venezuela and our other friends.

On the other hand, my own experience has also been that if we wait for somebody else to take leads, it often does not get taken. As a result of habit, custom, and the fact that we have done it in the past, both in this context and in African diplomacy, about which I also know something, and in Europe and in international economic affairs, over and over again it comes down to the leadership of the United States. We just have to face up to it. But this is along with the need to work in harmony with our other friends in the region, as I have said.

Senator KASSEBAUM. There has been some questioning as to whether Mexico was really determined to provide some substantive leadership in this area, or where she was doing more grandstanding.

Do you feel that, with the change in the Presidency that is coming, there will be some uncertainty there? Or do you think they are sincere in pressing forward?

Mr. ROGERS. Well, I think they are sincere enough. But I also think that there is a tendency to play up that issue for domestic political purposes within Mexico. This is another reason why I emphasize the importance of secrecy in negotiations of this sort. It reduces the temptations for everybody—Americans, Mexicans, and Venezuelans—to posture for domestic political purposes, and it increases the possibility, therefore, that the diplomats can pay attention to the real issues.

Senator KASSEBAUM. I could not agree with you more in that observation.

In El Salvador, do you believe a cease fire is achievable at this point? If so, what conditions do you think would have to be present in order to see that accomplished?

Mr. ROGERS. I think a cease fire is down the road and only part of a broader package. That is No. 1.

No. 2, in my judgment I do not think that the FDR/FMLN are not prepared to talk with the Salvadoran Government at the moment until they find out what the shakeout of the election is going to be.

Senator KASSEBAUM. Thank you very much, Mr. Secretary.

The CHAIRMAN. Thank you, Senator Kassebaum.

Senator Dodd.

Senator DODD. Thank you, Mr. Chairman, and thank you, Mr. Secretary, for your testimony.

I join with Senator Kassebaum in commending you for your statement this morning, even though I find myself in disagreement with you on a couple of points. But I should quickly point out that I think your analysis of the Caribbean Basin Initiative is an excellent one. I say this for a couple of reasons.

One is because I was trying to make the same point with the administration when it was here. I think we place an awful burden on the private sector with this initiative, which is unfair to them in many ways by asking them to assume the role of the engine of reform and to assume the leadership role in economic development.

My contention is that you cannot have economic development without them, but it has never been the business of business to be in the business of economic development. I hope we are not setting them up for a fall in the Caribbean Basin by asking them to assume a role they are not going to be able to fulfill, only to then be charged by opposition groups of being responsible for its failure.

So, I commend you for that and I agree with you on the Symms resolution. I think the points that you raised are extremely worthwhile. The recitation of the Monroe Doctrine and the Rio Treaty are dangerous precedents to be using. And, as you so adequately point out, the Falkland Islands situation is the centerpiece right now in terms of hemispheric attention. To apply the Monroe Doctrine as we would wish, potentially, in the case of Cuba, and to be confronted with that same doctrine when dealing with what I think most of us on this committee feel is a violation by Argentina of internationally recognized law would put us into a very awkward position indeed. So I commend you for that.

I would like to concentrate, if I could, on the other two points for a little while. I say this not because I am the author of two of the legislative measures which you have identified.

I would like to take you to your prepared testimony where you say that because of policy the region must be more multilateral than in the past, it requires an even greater degree of executive branch discretion. Then you say:

> I submit that neither is the case here. Whatever one might say about its actions in El Salvador, this administration has behaved far more openly with the Congress than its predecessor did during Cambodia, Vietnam, or Angola.

Then, and these statements all tie together, where you are talking about El Salvador, you say that we should confirm our support for democratic change there, but make clear that that support depends upon continued commitment of the Government to land reform and so forth.

The reason I link those together is this. I am sure you are aware that this language was adopted as a result of the certification process which we added to the foreign assistance bill.

Mr. ROGERS. Right.

Senator DODD. I would suggest to you that the reason we have had so-called cooperation and the reason the administration has been more open is because we had that certification in place. In fact, it required the administration to come forward to discuss ongoing policies, which may not have been the case.

I might point out here, not insignificantly, that, as a result of the bipartisan nature of this committee's approach to Latin America—

and Senator Kassebaum has left, but the chairman is still here—we have developed, with Senator Pressler and others, a bipartisan approach on dealing with this, at least on the committee.

I don't quite know how to explain my concern. I think the administration is doing a far better job than I ever anticipated it would do in Africa. I think it is showing far more flexibility than I ever thought it would in the Far East. It seems to me now that we are on track in the Middle East, even though I disagreed with the administration a bit as to its direction.

I am really at a loss to explain why, with all of that very positive activity—and I think the absence of congressional activity is perhaps the best piece of evidence I can offer. There are no resolutions around questioning the administration's effort on Namibia; there are no resolutions around on the Middle Eastern policy; there are no resolutions really kicking around on the Far East. This I think is an indication that we, that this committee and the Congress, feel that this administration, that any administration, should have running room, where it is moving, at least, in a direction that seems intelligent.

In Latin America, in Central America, however, the administration seems to make the exception to the rule that is governing its policies around the globe. This should give people a reason to pause. Why is it that Congress is so interested in the administration's activities here while we are allowing it running room elsewhere?

In fact, we did it in the Falkland Islands situation.

I wish somebody in the administration would say thanks for allowing us to do our thing, so to speak.

Senator Pressler has put in a resolution. Senator Biden is thinking of one. But, frankly, neither of them have insisted that this be dealt with immediately.

It seems to me that the administration in the case of Central America just is not following its general approach that is guiding its policies in other parts of the globe.

I wonder if you might have some understanding of why that is the case.

First, do you agree with my assessment?

Second, if you do agree, why is that the case?

Mr. ROGERS. Yes, I am inclined to agree with you. I think there is more uneasiness about policy with respect to Central America than any other geographic region. I think the arms control issue also has raised apprehensions in the country, but right behind that, it seems to me, is he issue of Central America and the Caribbean.

I think it is because of the administration's rhetoric. I think every .ime Secretary of State Haig promises that we will "go to the source," people read Cuba into that, and it replays the apprehensions that emerged at the committee session this morning with respect to the Symms resolution.

To me it is that simple.

Senator DODD. I could not agree more with you.

I think you have just hit it on the head. This brings me to my second point, which is this.

I agree with the final two points in your prepared statement, that it would be a better way to approach this, to be more positive and to be encouraging. No one has asked me this before, but why did I introduce

this resolution with a 2-year limitation on requiring specific congressional approval for those activities that are included in the Dodd-Tsongas initiative? It is frankly because of that.

I don't like that kind of measure, generally, and that obviously is the reason I put in the sunset on it, a 2-year limitation. It was to try at least to see if we can't bring this thing back into focus. Also there was the motivation of calling for negotiations that was behind the other measure.

My concern in this region of the world is with your statement to the effect that we must allow for a greater degree of executive branch discretion. They have been anything but discreet in their rhetoric when it comes to Central America. In light of this, it seems to me that there is a proper legislative function here. When it appears as though any administration—and I am not necessarily picking on this one; it is just that this one is currently in power—seems to move afield from an intelligent foreign policy position, then it becomes a proper role for the Congress to step in and to place restrictions on, at least to try to limit what the rhetoric would suggest.

Mr. ROGERS. Your point is well taken, Senator Dodd.

Of course, you have to remember that the administration is getting pressure from both sides with respect to Central America. So my call for discretion applies both to the liberals who want to mandate more negotiation and accommodation and the conservatives who want to make the policy even tougher than it really is and to cut off the administration's access to negotiations.

Senator DODD. I would point out that in the certification process—and certainly the chairman will recall, we were opposed rather vehemently and it narrowly passed the Senate, 52 to 48. It was interesting to me that Dean Hinton, our Ambassador in El Salvador, pointed out recently that that certification requirement had been of great assistance to the administration in trying to exercise some leverage on the Government of El Salvador to pursue a different course than what appeared then and even appears more poignantly today may be the direction in which they are headed.

Mr. ROGERS. I don't want anything in my statement to be taken as my being opposed to the certification legislation. I think that was very positive. I agree with you on that point.

Senator DODD. Thank you.

I would just like to add as well a reference to the last page of your statement.

In your last paragraph you say that the root cause of Central America's crisis today is not Cuba.

I have been starting every speech I have been giving with that point. It was not that the people of Central America discovered communism. I think communism discovered the people of Central America, in the sense that there has been a vacuum and that the Cubans have taken advantage of the situation. And to suggest that they created the situation and were it not for them, were they somehow to miraculously disappear and evaporate from the scene, that all of our problems in the region would evaporate simultaneously is a terribly simplistic notion which I think will complicate our foreign policy initiatives.

I do want to commend you for your statement and to thank you for being here today and for sharing your thoughts with us.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Dodd, very much.

Senator Pressler.

Senator PRESSLER. I want to join in those remarks by Senator Dodd on the areas of the world where I think the Reagan administration is doing well, and not so well.

Let me also say, Mr. Chairman, that I missed the business meeting due to another hearing on communications elsewhere.

I do have a resolution on the Falkland Islands, to declare our support for Britain. But I don't want to press that until after we have had our classified briefing from Secretary Haig.

What would be the timetable. Could we later this week have a business meeting?

What would be the procedure for bringing up such an issue in the committee?

The CHAIRMAN. I would see no reason, at the completion of Secretary Haig's testimony before us, and upon giving the State Department an opportunity to react to the resolutions with their approval, their support, lack of support or their opposition, why the committee could not get together. Perhaps it could be either right at that same session and vote out a resolution, or vote on a resolution, or very quickly thereafter.

I can assure the Senator that the Chair will move with dispatch on this matter.

Senator PRESSLER. Is that this afternoon or tomorrow afternoon?

The CHAIRMAN. That is tomorrow afternoon.

Senator PRESSLER. Thank you.

Mr. Rogers, how do you explain Mexico's close ties with Cuba? Given such ties, if you think there are such ties, can Mexico be expected to represent U.S. national security interests in negotiations with Cuba, Nicaragua, or the Salvadoran left?

Mr. ROGERS. To answer your second question first, no. Nobody can represent our interests. Our interests are different from those of every other country, and we should be out in front in negotiating and protecting those interests in every circumstance, including negotiations, if they occur, with the Cubans.

On the first point, I would not say that the Mexicans have close ties with Cuba. They did not enter into the embargo on Cuban trade under the 1962 OAS resolution, and they have maintained diplomatic relations right on through. But I don't think that one can say that there is any kind of alliance between Mexico and Cuba. I think the Mexican perception of the necessities of the region—they are interested in peace and security—are that they have to accommodate all interests, including the actual government in place in Cuba. It seems to me that this explains the continued relations between Mexico and Cuba.

Senator PRESSLER. If revolutions and disorders continue in that area of the world, do you foresee that there will be people coming across our borders by the thousands and millions at some future date?

Mr. ROGERS. Senator, let me say that, in my judgment, looking at the future, what is more likely to produce large waves of illegal migrants will be economic deterioration, more likely than political revolution. I don't discount the possibility of continued turbulence. But in my judgment, it is what happens to the economy of Mexico,

with its vastly larger population, that is and will be a more important determinant with respect to illegal immigration to the United States than what happens politically in El Salvador. That is a much smaller country and is much farther away.

Senator PRESSLER. Do you believe that the administration has adopted the appropriate position in negotiations with Nicaragua?

Mr. ROGERS. My judgment, if I can tell correctly what that position is—and I put a high emphasis on secrecy in these things, and therefore I am never certain that I know exactly what the position is—is that I think the substance of the position is a correct one. As I understand it, I think the position that Secretary Enders took to Nicaragua when he went down there about 8 or 9 months ago was a correct substantive position. I am not sure that we have continued to pursue the agenda that he was laying out at that time. And, I gather that we have not responded to the most recent indications of Nicaraguan willingness to discuss the eight points.

Senator PRESSLER. That concludes my questions. Thank you very much.

The CHAIRMAN. Thank you, Senator Pressler.

I have a couple of remaining questions that I would like to put to you.

In retrospect, taking into account the political realities in El Salvador, do you feel that it was wise for the United States to insist upon elections in El Salvador?

Mr. ROGERS. Yes; I think so. I think what happened in those elections vindicates that decision in terms of the process. The results may not be exactly to our liking, but this constituent assembly is charged with the responsibility of organizing the next election in the country, and I think that is a healthy thing.

The CHAIRMAN. What is your feeling about adopting or pressing for elections in Nicaragua, Guatemala and other countries in the region, as a matter of policy?

Mr. ROGERS. In my judgment, as Winston Churchill said, democracy is not a very efficient way of doing things, except that it happens to be better than every other way.

I think we need to press for elections similarly in Guatemala, Nicaragua, and elsewhere in the hemisphere; though elections are not perfect expressions of the people's will, they are the best available method for popular participation in government.

The CHAIRMAN. Do you believe that the administration has adopted the appropriate position in negotiations with Nicaragua?

Mr. ROGERS. Yes.

I think the position is a correct one. As I have said, I am not sure that they have pursued it as vigorously in recent months as they might have. This may be because they are preoccupied with the Falkland Islands-Malvinas crisis at the present time. I would hope we will see an early response to the recent Nicaraguan indication of willingness to talk.

The CHAIRMAN. Can you suggest actions that the administration could take which would convince critics in the Nicaraguan Government that the United States is serious about negotiations?

Mr. ROGERS. My own feeling, frankly, Senator, is that we ought to respond privately to the Nicaraguan initiative, and to lay down as a

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first principle that we would have early talks which would not be reflected, with all due respect, in immediate reports to this committee or to the public press.

The CHAIRMAN. What do you think are the major obstacles to the United States achieving better relationships with Nicaragua?

Mr. ROGERS. I think, on their side, they obviously are deeply committed to the proposition that we are behaving imperialistically and hegemonically with respect to Central America, that we secretly harbor desires to see the present regime overthrown, and that we are using as instruments for that purpose the dissident groups in this country. I think they also feel that we are the enemy of the Nicaraguan "social experiment," as they like to see it.

I think, therefore, it will be essential to persuade them, among other things, that we are prepared to let the people of Nicaragua and the people of every other country of the Central American region order their own internal affairs as they see fit; that we would urge and state a strong preference for effective popular expression of what that internal order ought to be through elections; but that we will not intervene in the decision as to how to arrange the governance in any particular country.

I think that is the first and primary problem of conviction that we face in terms of dealing with Nicaragua.

The CHAIRMAN. We do have several amendments before the committee seeking to restrict military assistance or the use of military force in El Salvador and elsewhere in Central America. We have some very strong feelings on this issue back in our own home States.

As an international lawyer and former Government official, how much do you think legislation of this type can contribute toward regional peace and stability?

Mr. ROGERS. I think it is all the world unlikely and would be extraordinarily misadvised for U.S. Armed Forces to take on the military responsibility for defeating the insurgents in El Salvador, or in blockading or attempting to invade Nicaragua. I would be opposed to that.

On the other hand, in my judgment, legislation requiring prior approval of deployment of military force and further military assistance goes beyond the War Powers Act. The genius of the War Powers Act, was essentially, to permit the President to act in emergencies and then to report. I think that was adequate to the lessons of Vietnam and I think it is adequate to the crisis in Central America today. I would not, therefore, support those proposals to go beyond the War Powers Act with respect to Central American military action.

The CHAIRMAN. What do you believe is the proper role of Congress in determining the military and security assistance programs and policies of the United States? You had a chance to reflect on this. It has been debated between every President and every Congress, what are those roles, and it is debated on the floor of the Senate, too. Just the other day there was a debate between Senator Tower and Senator Pressler on what are the proper roles of the Congress. How do you see this now from your vantage point?

Mr. ROGERS. Well, you clearly have to legislate appropriations and authorizations. Therefore, it is proper for you to put contingencies and conditions on the exercise of the money power, the purse. As I said to

Senator Dodd, I think the conditions that you set with respect to reporting, with respect to Salvadoran developments, were healthy.

On the other hand, I think general resolutions of policy, intent, and expression are dangerous—look at what happened in the Gulf of Tonkin—are often too rigid and do not take account of future developments in the region, and tend to indulge the Senator's temptation toward rhetoric and fine words without being very directly related to the reality on the spot.

The CHAIRMAN. I want to thank you very much, and express regret to you and Mrs. Rogers for today's interruptions.

I had not the slightest idea that the Symms resolution would take as long as it did, and that we would have to interrupt this hearing to have a business meeting, and that we would finally have a pile driver interfere with our sound system.

But you have been very patient and very thoughtful. Again, for the record, I want to commend to every member of this committee, and certainly I would think the general public, the widest dissemination of your remarks. They were brilliantly done and were extraordinarily helpful to us.

Mr. ROGERS. You are very kind, Senator.

The CHAIRMAN. You have had a chance to reflect on and think about this problem. It is a tough problem. Just look at the concentration that this area of the world has had in recent days and months. It is an important area and it is important that we have your perspective.

I thank you very much.

Mr. ROGERS. You are very kind, Senator. It is a pleasure to be here.

The CHAIRMAN. There being no further business, this hearing is adjourned.

[Whereupon, at 12:40 p.m., the committee adjourned, subject to call of the Chair.]

CURRENT SITUATION IN GUATEMALA AND U.S. POLICY

WEDNESDAY, APRIL 28, 1982

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to recess, at 9:41 a.m., in room S–116 of the Capitol Building, Hon. Charles H. Percy (chairman of the committee) presiding.

Present: Senators Percy, Zorinsky, and Dodd.

The CHAIRMAN. The meeting will now come to order.

Senator Zorinsky.

Senator ZORINSKY. I look forward to the opportunity this morning to hear the administration's assessment of the Rios Montt government in Guatemala and to participate in helping formulate a cohesive U.S. policy toward Guatemala. I want to commend the chairman for holding this session in accordance with our discussion on the Senate floor during consideration of the foreign aid bill. I was impressed then as I am now with the seriousness with which the chairman regards this issue.

My concern about the repression and corruption of the previous government of Gen. Lucas Garcia and concern that the administration was looking for ways to resume a military relationship is well known. The advent of the Rios Montt government a few weeks ago changes the situation on the surface but I would be cautious about quickly embracing this new regime. I emphasize the word "cautious" because although we are receiving positive signs from the new government, there are still too many questions yet to be answered.

Is the military's repressive apparatus dismantled? Rios Montt has the support of the "traditional" military. Isn't this the same "traditional" military that supported Gen. Lucas Garcia? Is the moderate tone of the new government sincere or is it merely a facade to open the way for military assistance which the Guatemalan military wanted for a long time.

We have received word that the administration wants to move quickly to give positive signs to the Rios Montt government to encourage and regard the moderate path. I am all for that.

Loans from the World Bank and from the Inter-American Development Bank seem like very appropriate mechanisms. Additional measures of this type could be forthcoming as the government continues to make progress.

Military assistance, or any measure that could open the way for military assistance, however, is another matter. It has been a number of years now since we have given any military assistance to Guate-

mala, and rightly so. Guatemala has been the textbook model of human rights abuse, repression, and corruption in the entire Latin American and Caribbean area. It would be ludicrous to turn our policy upside down merely because a government in power only 1 month has shown signs that it might do better.

I am all for encouraging the new government to continue and expand its moderate policies. I will support measures that address the serious economic and social problems that exist in that nation. But before I will support any kind of military assistance program for Guatemala, I want to be sure that the government has been given enough time to demonstrate that it is indeed dedicated to providing a free and open democratic society for its people.

The CHAIRMAN. I have just a few questions.

Would you describe, Mr. Secretary, the posture of the guerrilla front in Guatemala toward the Rios Montt's government?

Ambassador BOSWORTH. The initial reaction was one of pausing, waiting, and reassessing. However, in the past few weeks, their propaganada barrage has resumed apace, and they have taken, by and large, the view that the coup which brought Rios Montt to power did not change reality in Guatemala and that the class struggle should continue and the prolonged war should continue. And they are in the process of publicly rededicating themselves to their guerrilla activity.

The CHAIRMAN. Then, as we evaluate our program in Guatemala and reassess the efforts the present government is making toward reform and progress, would it be helpful to signal them by considering, first, economic assistance rather than military? And are resources or funds for economic assistance available at this time of any consequence?

Ambassador BOSWORTH. In response to your first question, Mr. Chairman, I think that what we are now considering within the administration is a series of actions which would encompass both assistance in the economic area and assistance in the security area. We see a desirability in having a balance.

The problems, of course, in the economic area is that we do not have available to us in the current fiscal year funds of any significant size which we could make immediately or quickly available for Guatemala or, indeed, for any other country.

The CHAIRMAN. Well, what is the request then for $250,000 for fiscal year 1983? Is that correct?

Ambassador BOSWORTH. That is the request for fiscal year 1983 for military training. IMET [International Military and Educational Training].

Ambassador BOSWORTH. Yes.

The CHAIRMAN. But no request for FMS [Foreign Military Sales]?

Ambassador BOSWORTH. We have no FMS request, and we have no ESF [Economic Support Funds] request for Guatemala in the 1983 budget. As you know, when the 1983 budget was put together, the situation in Guatemala was quite different from that in which we find ourselves now.

The CHAIRMAN. Even though the amount available may be quite modest—and it would be understood clearly that it would be modest with the depressed economic conditions—the harder the pressure on the country itself the more welcome the funds are, if we have $250,000

earmarked for military training, would it then be well to think in terms of at least a part of that as being earmarked, being diverted for economic assistance, as a signal that the economic reforms, everything being done to combat corruption, hold down repression, all of that is worthy of rewarding, even if slightly. It is a signal that we send to them that might be very important.

Ambassador BOSWORTH. I agree with that, Mr. Chairman, and we will try very hard to find ways, assuming a continuation of current policies in Guatemala, to find ways in which we can try to assist them, particularly on the economic side.

I think, given the size of the Guatemalan economy, given the level of sophistication in many sectors of that economy, that one of the most useful things we can do economically in Guatemala is find ways in which we can assist the government in building confidence in Guatemala, because until there is a turnaround of private sector confidence in that economy, which really means in the future of Guatemala, the economic conditions are going to be very serious.

If there can be an improvement in confidence—and I think there are ways in which we can try to contribute to improving confidence—if we begin to see some reflows of the capital which left the country, a resumption in the level of private sector investment, then I think that the Guatemalan economy offers some room for encouragement or optimism over the next few years. Of all the economies of Central America, it is probably the richest in terms of resources.

Senator ZORINSKY. Mr. Chairman, may I just add one final question? And that is, is it true that Rios Montt has stated that he does not want U.S. military aid? There have been numerous press reports to that effect. Are you aware of whether these are true or not?

Ambassador BOSWORTH. Those are, to the best of my knowledge, not true, Senator. We have not had at this juncture a comprehensive discussion with the Government of Guatemala on the prospects of U.S. security assistance. But we have a clear opinion and impression that that regime is interested in establishing a meaningful, but still modest, security assistance relationship with us.

Senator ZORINSKY. But you are not aware of whether he actually made the statement?

Ambassador BOSWORTH. I have seen those press statements, but I have no confirmation that he actually made those statements.

The CHAIRMAN. On the question of assistance that may come about through IDB/World Bank development projects and AID, what projects have been held up in Guatemala because of our reservations about government policy? And would Guatemala be a potential beneficiary of the Caribbean Basin Initiative?

Ambassador BOSWORTH. In the multilateral development bank area, Mr. Chairman, I think the only project which is currently on hold as a result of our position is an IDB loan for a rural telephone system in Guatemala. OPIC, our own Overseas Private Investment Corporation, did not issue an insurance policy to an American investor who wished to invest in Guatemala. Those are two economic actions which we blocked because of our concern over the human rights performance of the past government.

Guatemala would be eligible under the administration's proposal, would be eligible for the trade and investment initiatives of the Presi-

dent's Caribbean Basin program. However, we do not now have an economic assistance program for Guatemala under the CBI. Neither is there any significant amount of bilateral aid, either development assistance or economic support fund assistance.

The CHAIRMAN. Those are all the questions I have.

However, as an individual Senator, speaking for myself, I would like to say that I was pleased to learn of the actions this group has taken. I think that course that Guatemala was on before was disastrous, that those who carried out this coup were wise enough to turn to a senior person who is respected as an honest and fair leader that has a strong military background.

We commend him and the government, the junta for its anticorruption drive, because corruption was corroding the confidence in the previous government. Certainly its moderate tendencies and emphasis upon human rights practices are in accordance with principles that will cause a government to be respected by its people. That is the only foundation for stability in a country unless it goes to total totalitarianism, suppression forever of the rights of the people, as it has been done in countries in Eastern Europe.

Certainly, the form and the security forces of the interior ministry who were brutal offenders of human rights, I think was a courageous act and worthy of commendation. And I have more hope for the people of Guatemala now than I have had for some time. So I would think that as time goes on we would look more favorably here in the Congress on whatever initiatives and recommendations the administration would make in this regard.

Senator Zorinsky.

Senator ZORINSKY. Mr. Chairman, I yield to Senator Dodd.

Senator DODD. Thank you, Mr. Chairman.

Let me just tell the committee at the outset that I am certainly encouraged by what we are hearing anyway; it seems a lot more positive than, as the chairman points out, what went on before. It is always disturbing that there is not a more stable transfer of power than the coup, albeit the results seem better in terms of the future of Guatemala. It is always disconcerting that an electoral process can be scuttled.

Our staff memo here indicates that Rios Montt actually won the election in 1974. That is sort of news to me. Did he actually win the election in 1974?

Ambassador BOSWORTH. I think it is very difficult to establish at this date who actually won the election. He thought, and his party thought, that they had won more votes than anyone else.

Senator DODD. Most parties do, do they not? [General Laughter.]

Ambassador BOSWORTH. I think there is reason to believe that perhaps there had not been complete rectitude in the conduct of the electoral results.

Senator DODD. So there is a question mark at the end of that?

Ambassador BOSWORTH. Yes.

Senator DODD. Yes. Let me tell you what my concern is. You are not really asking for anything here today. This is just sort of a background briefing on how things are going.

It occurs to me that while there is a sense of urgency because of the insurrection there and the vital economic interests of Guatemala, not

to mention the bloodshed that has ripped that country apart and destroyed virtually what little remained of the center and a whole host of other things, my only caution is—and I do not want to throw cold water on anything—is that it seems to me it is a little early yet for us to be making the kinds of definitive commitments to something that we are not quite sure yet what it stands for.

Granted, it seems to be pointed in the right direction. I think it should be encouraged. My concern would be that we would make a quantum leap from the encouraging comments to an immediate request for assistance, not really having yet a clear sense of where things are going.

I was intrigued that our Ambassador received positive responses to all of his inquiries. What were those inquiries? Again, I am talking about the administration position as indicated here in our briefing memo. It says that the ambassador is cautiously optimistic about the Rios Montt government, and they have given positive responses to all of his queries. May I get some sense of what those queries were?

Ambassador BOSWORTH. OK. We have been talking with the Guatemalan Government for some time, under the previous regime as well as under this regime concerning our preoccupation with the subject of human rights, the subject of the insurgency and the Government strategy in combating it, et cetera. And I think that what I assume that the staff memo reflects is the disposition on the part of the Rios Montt government to take a very strong public line opposing human rights violations.

They have disarmed the many hundreds of private body guards which previously existed in Guatemala. For the first time in many years, the Guatemalans are going out in the evening, going to restaurants, going to nightclubs, driving around the city.

The Embassy reports there is really a quantum change in the public mood. And perhaps the most impressive thing of all, as I said earlier when we were in closed session, is that as nearly as we can determine, the violence not directly related to conflicts or contacts between the government forces and the insurgents, that violence has virtually dropped off to zero. And I earlier said that I would make available some data on this subject.

Senator DODD. Yes.

Ambassador BOSWORTH. So I think that is the area in which, you know, we are encouraged by what we see. I would stress that we are not contemplating some dramatic quantum change in our relationship. We are encouraged by what we have seen so far in these two areas. We wish to indicate, one, that we have noticed and, two, that we like to see that trend continue. And we have in mind some, we think, very useful but very undramatic actions that we might take which would not involve large sums of money and would not somehow put us in a different sort of commitment position in Guatemala.

I think that we should bear in mind that the Guatemalans have not really asked us for that.

Senator DODD. You just anticipated my next question. Has there been an informal request for military assistance?

Ambassador BOSWORTH. No. There has been a request, an interest shown in certain areas, the training area in particular, the subject of the spare parts for their helicopters, which has both a material and a

symbolic importance; but no request or official interest yet in the sort of programs that I think you have in mind.

Senator DODD. And for the sake of the record, we have not offered anything either; is that correct?

Ambassador BOSWORTH. For the sake of the record, no. We do not have it to offer. If you look at the budget for fiscal year 1982, it will be difficult for us to come up with a small reprograming of IMET funds. I think we can do that, and I think it would be very useful. But the budget is very strapped.

Senator DODD. Do you agree with my assessment that we ought to proceed slowly in making a determination about this government? I agree with you the preliminary indications are good. But again—I expressed my view, and I do not want to repeat myself—it still is jelling.

Ambassador BOSWORTH. Yes. Bearing in mind that we are back in open session here, I would simply say that I would use a slightly different adverb. I am not sure I would agree that we should proceed slowly. I think we should proceed prudently and avoid dramatic action, because I see no need for dramatic action.

Senator DODD. Let me just ask you if I can—and maybe some of these questions will require answers at a later date rather than trying to provide specifically the answers now—I would be curious as to what has happened to the Garcia brothers. Are they still in positions of authority in the country, in the military?

Ambassador BOSWORTH. Do you mean the Lucas brothers?

Senator DODD. Excuse me. The Lucas brothers.

Ambassador BOSWORTH. No. They are both, as far as we can determine, enjoying the fruits of retirement under compliant circumstances.

Senator DODD. They are complying?

Ambassador BOSWORTH. Well, they are not free to leave Guatemala, in the first instance.

Senator DODD. I see. But they have been stripped of any military command then?

Ambassador BOSWORTH. Yes.

Senator DODD. What about the younger officers involved in the coup? Can you give us some indication of whether or not those individuals who were involved in the coup have assumed positions of authority within the new government and what those positions might be and who those players are?

Ambassador BOSWORTH. There is in existence a unit called the advisory council in which the younger officers, who organized the coup, are found. That is, as nearly as we can determine, simply an advisory council. In the past several weeks, the principle of hierarchy has been reestablished within the Guatemalan armed forces.

There seems to be no evidence that these younger officers organized this coup primarily for reasons of self-aggrandizement. They were primarily, it appears, reacting to what they felt was a very disturbing disintegration generally in Guatemala and to a behavior on the part of the regime with which they were not in accord as it impacted on the integrity of the armed forces as an institution.

Senator DODD. By the way, if I ask you anything that is more appropriately addressed in a closed session, please indicate that.

What is the reaction now from the opposition, the guerrillas? Has there been any political expression by the new government at all as to how it will react?

Ambassador BOSWORTH. How the government reacts?

Senator DODD. How the guerrillas are reacting to what appears to be, as you have described it, a move in the right direction? What has been the reaction among the guerrillas to that?

Ambassador BOSWORTH. Well, the initial reaction on the part of the guerrillas was apparently one of wait and see. It more or less threw them off their stride. Since then, they have recovered in terms of the political propaganda, and they have now taken the position that there is basically no change and that this government deserves opposition as much as the previous government merited opposition.

Senator DODD. We have heard, of course, and we have had long discussions, about the possibility of a negotiated settlement in El Salvador. No one that I recall has talked about a negotiated settlement in Guatemala. What is the position of the government with regard to the possibility of negotiations or a cease fire with the guerrillas in Guatemala?

Ambassador BOSWORTH. I am not aware that the new government has articulated a position on that issue, nor am I aware that the guerrillas have sought a cease-fire. Quite the contrary, they seem to be at the moment very committed to broadening and deepening the level of violence in the country.

Senator DODD. It seems to be deeper?

Ambassador BOSWORTH. Yes.

Senator DODD. In the last——

Ambassador BOSWORTH. In the last several months.

Senator DODD. I see. Is there any relationship that we have been able to detect, or a linkage among far right groups in Central America? We know about the linkage of the far left in Central America. What about the far right? Is there a network that serves to support of the far right in various countries that would be similar in nature to that which has been identified as the linkage within the far left?

Ambassador BOSWORTH. Well, I am not quite sure I understand the point of the question. There is—obviously, these are small countries; they are close together and people, particularly people of wealth and influence know each other among these various countries.

But if you are asking whether or not there is the same sort of apparatus of support involving the flow of money and the flow of training and the flow of arms, then I think the answer is that we do not have any indication of that sort of apparatus. But, yes, there are contacts.

Senator DODD. But nothing that would be centralized in a way such as has been alleged to be with the left? Is that correct?

Ambassador BOSWORTH. That is correct?

Senator DODD. Last question, Mr. Chairman, and I apologize for going on too long.

But there has been a lot of talk about Rios Montt's religious connections. You know, in Guatemala the Catholic Church is not terribly

strong or at least comparatively not as strong as it is in Nicaragua and El Salvador.

What are his religious affiliates? With whom does he affiliate? And is that a matter of concern or not?

Ambassador BOSWORTH. Well, he is associated apparently or reportedly with an evangelical church, one which has an organization in this country as well as elsewhere in Central America. I believe in Spanish it is referred to as El Verbo. He worked very intensively for that church between the time he returned to Guatemala and he assumed the presidency. He was a teacher, a teacher in a Sunday school.

Senator DODD. Yes.

Ambassador BOSWORTH. I think one can note by his public statements a concern with public morality, a concern with private morality. But I think that that is about all that I could usefully say on that question.

Senator DODD. Do you detect as a result of that any conflict with the Catholic Church in Guatemala? Has that been a source of a serious point of disagreement or any threat to him?

Ambassador BOSWORTH. No. In fact, quite the contrary. One of the more useful actions, in our view, that the government has taken since coming into power has been to reopen a dialog with the Catholic Church. And relations with the church, as you know, had become very, very soured in the last several months of the previous administration.

Senator DODD. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Dodd, very much indeed.

Secretary Bosworth, I am sure you have other things that you usefully can use your time on now. We very much appreciate this continuing consultation. We are very pleased at the progress. Thank you very much, indeed.

Ambassador BOSWORTH. Thank you very much, Mr. Chairman.

The CHAIRMAN. The committee will stand adjourned.

[Whereupon, at 10:05 a.m., the committee adjourned, subject to call of the Chair.]

MARKUP OF: SENATE JOINT RESOLUTION 144, NEGOTIATIONS IN EL SALVADOR; S. 2243, NEGOTIATIONS IN EL SALVADOR; S. 2179, AMENDMENT TO WAR PROVISIONS RESOLUTION; SENATE JOINT RESOLUTION 158, U.S. POLICY TOWARD CUBA; S. 2370, AMENDS THE FOREIGN ASSISTANCE ACT TO REQUIRE CONGRESSIONAL AUTHORIZATION FOR ALL ACTIVITIES IN CENTRAL AMERICA

TUESDAY, MAY 4, 1982

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 10:13 a.m., in room 4221, Dirksen Senate Office Building, Hon. Charles H. Percy (chairman of the committee) presiding.

Present: Senators Percy, Hayakawa, Pressler, Pell, Tsongas, and Dodd.

The CHAIRMAN. This meeting of the Foreign Relations Committee was called for several purposes. One publicly announced purpose was the foreign aid markup. We are still waiting to receive a copy of the military survey team report for El Salvador, the so-called Woerner report. We will schedule the markup as soon as the committee has been given access to the report, as required by law.

Senator Byrd has asked to testify on the various resolutions that we have dealing with Central America, and we will interrupt our proceeding so that he can testify at whatever time he appears before the committee.

* * * * * * *

STATEMENT OF HON. ROBERT C. BYRD, A U.S. SENATOR FROM WEST VIRGINIA

Senator ROBERT BYRD. Thank you, Mr. Chairman. Your characteristic courtesy is much appreciated.

I want to thank the distinguished chairman and our distinguished members of the committee for affording me this opportunity to present a statement on behalf of my legislation amending the War Powers Resolution. I have been joined by 23 of my colleagues in sponsorship of this bill. This indicates that considerable concern does exist regarding the administration's policies in El Salvador.

As you are well aware, my legislation simply states that the President cannot commit U.S. troops for combat purposes in El Salvador

without first obtaining specific congressional authorization for such action. It does maintain Presidential flexibility. The President can introduce combat troops for the purpose of protecting and assisting in the evacuation of American citizens threatened by hostilities in that country, or if the territory of the United States is directly threatened.

I realize that the war powers resolution, which was enacted into law on November 7, 1973, sought to correct the constitutional imbalance which had arisen between the executive branch and Congress in the area of war powers, an imbalance which developed primarily during the 20th century. The resolution did go a long way to restore the constitutional responsibilities of the Congress in the area of warmaking powers of our Government.

However, it could not conceivably cover every situation which could arise in the future. The controversy surrounding our policy toward El Salvador is a contingency which I believe was unforeseen during our deliberations on the war powers resolution, and that is what my legislation attempts to address.

A number of concerns have been expressed regarding my motivations in submitting this legislation. In fact, on March 9 of this year one of our colleagues stated the following on the floor of the Senate:

> Presidential powers in the realm of foreign and military affairs as guaranteed by the Constitution were eroded considerably with passage of the War Powers Act. I have always opposed the War Powers Act. Senator Byrd is attempting to paralyze the President further and bring greater power to his own senatorial office.

I want to repeat a portion of what was said by our colleague:

> Senator Byrd is attempting to paralyze the President further and bring greater power to his own senatorial office.

Mr. Chairman, 30 years ago when I was first elected to the U.S. House of Representatives—and incidentally, the Senator who made that statement was not in the Senate when the War Powers Act was passed—but 30 years ago when I was first elected to the U.S. House of Representatives, I took the following oath prior to taking my seat:

> Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter; so help you God.

I have taken this oath on seven different occasions. I do not take this oath lightly. During my 30 years of public service in our Nation's legislative branch of Government, my energies and my mental resources have been devoted to upholding the Constitution of the United States and not to enlarging the powers of my office.

As a result, I am devoted to the Senate and the House of Representatives of the United States as one of the three coequal branches of our Government. Having served in both the House and the Senate, I believe in the U.S. Congress as an institution. I believe that if there were any single spark of genius on the part of our forefathers who wrote our Constitution, I believe it was the establishment of the U.S. Senate. I consider that to be the most substantial pillar of the Constitution.

Consequently, I have very deep concerns when the institutional responsibilities of the Senate are challenged or compromised, and that is what this debate is all about.

My colleague who spoke those words does not remember the amendment which I offered when I was a member of the leadership as the majority whip of my party. Perhaps he does not even know that I offered an amendment on one occasion to strengthen the hand of President Nixon during the war in Vietnam.

I felt that the President of the United States had the responsibility to do whatever he could to protect the lives of our men and women who were sent abroad. And I felt that he had the right and the authority and the duty to bomb the enclaves in Cambodia. And so, before this distinguished colleague ever took the oath of the U.S. Senate, I was trying to hold high the President's hand, a President not of my own party.

Consequently, I have very deep concerns when the institutional responsibilities of the Senate are challenged or compromised. In my estimation, any statement which suggests that the President of the United States is vested with the sole responsibility for the warmaking powers of our Government flies completely in the face of our Constitution and the intent of our Founding Fathers.

The Constitution is clear that the power to declare war, as well as the power to raise and maintain an army and a navy, belong to the Congress. Under the Constitution, the President is designated as the Commander in Chief for the purpose of prosecuting wars authorized by the Congress. Thus, when the President commits U.S. Armed Forces to hostilities abroad at his own initiative, he has in effect assumed congressional authority.

I think it is important to look at the Constitution once again to emphasize that article I, section 8, expressly reserved war powers to the Congress. These are as follows:

> Congress shall have the power . . .
> To declare war . . . and to make rules concerning captures on land and water;
> To raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years;
> To provide and maintain a navy;
> To make rules for the government and regulation of land and naval forces;
> To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;
> To provide for organizing, arming and disciplining the militia and for governing of such part of them as may be employed in the service of the United States;
> And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers vested by this Constitution in the Government of the United States or in any Department or office thereof.

The war powers of the President are expressed in article II, section 2 of the Constitution:

> The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several states, when called into actual service of the United States.

Mr. Chairman, keep in mind that our Founding Fathers constructed a government of intricate checks and balances in order to avoid the abuses that they, our Founding Fathers, had suffered at the hands of the British monarchs. It was the power of the British sovereign to initiate war on his own prerogative that led to a deliberate decision on the part of the Framers of our Constitution to vest the power to declare war in the body most broadly representative of the people.

During the debate at our Constitutional Convention on this matter, Mr. Eldridge Gerry of Massachusetts expressed the view that he

"never expected to hear in a republic a motion to empower the Executive alone to declare war." Mr. Gerry's point has stood the test of time, for it is as relevant today as it was in 1787.

Discussions of the President's power to control the Armed Forces have invariably focused on the provision in article II. However, from the first it has been interpreted as simply placing the President at the top of the pyramid of military command, making him, in Alexander Hamilton's words, "first general and admiral of the confederacy." This view was outlined in Federalist Paper No. 69.

In recent months the Monroe Doctrine has been bandied about as the justification for giving the President a free hand to use U.S. forces in any way he sees fit in this hemisphere. The Monroe Doctrine has been cited as an early precedent for the use of armed forces by the President acting on his own authority.

However, President Monroe always kept the intent of the Framers of the Constitution in proper perspective by making the appropriate distinction between a statement of policy and the authority to carry it out. In 1824, when the Government of Colombia inquired as to what action the United States might take under the Monroe Doctrine to repel certain European intervention in the Latin American republics, President Monroe's Secretary of State John Quincy Adams replied:

> With respect to the question, "In what manner the Government of the United States intends to resist on its part any interference of the Holy Alliance for the purpose of subjugating the new republics or interfering in their political forms," you understand that by the Constitution of the United States the ultimate decision of this question belongs to the Legislative Department of government.

I might add, Secretary of State Adams did not caveat his response by stating that the President could commit U.S. forces in defense of Colombia and Congress had 60 days in which to issue a declaration of war or pass a concurrent resolution mandating a withdrawal of U.S. forces. Quite the contrary, great pains were taken to protect the integrity of the Constitution by properly noting the role of Congress in the area of war powers.

Abraham Lincoln admonished Congress when he noted the following in 1848:

> Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenever he may choose to say he deem it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect. If today he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, I see no probability of the British invading us, but he will say to you be silent; I see it, if you don't.

I would say that was a very prudent admonishment. It is similar in nature to the situation we face today.

We were extremely fortunate to have had leaders of vision and leaders of great intellectual capacity during our formative years as a republic. The sensitivity to the Constitution, the sensitivity to maintaining the proper role of each branch of government, was deeply ingrained in the early leaders of our country. One might ask why. I think the answer can be found from Abraham Lincoln himself when he was President. He wrote:

> The provision of the Constitution giving the war making power to the Congress was dictated, as I understand it, by the following reasons. Kings had always been

involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention undertook to be the most oppressive of all kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

The tyrannies of the monarch weighed very heavily on the conscience of our leaders in the early years of our Nation. They had felt the hand of tyranny and, once having thrown it off, these leaders were bound and determined that the Government we had so tortuously constructed would not be compromised in any way.

While there is substantial evidence that, absent direct attack on the United States, the Founding Fathers never intended troops to be used outside the country without congressional consent, a rapid expansion of Presidential power to use force abroad took place in the latter part of the 19th century and in much of this century.

In addition to the abuses of authority on the part of absolute monarchs, why were the Framers of the Constitution so concerned about the delegation of war making powers of our Government? First, such a decision involves a risk of great economic and physical sacrifice and should not be incurred without approval from the body most directly representative of popular sentiment.

Second, even in cases where no significant physical effort is likely to be required, the very act of using force against a foreign sovereign entails moral and legal consequences sufficiently significant to require an expression of popular approval.

Our involvement in Vietnam precipitated a major debate in the Congress that the balance of authority over war making had swung heavily to the President in modern times. The President's right to defend the Nation against attack, without prior congressional authorization, in extreme circumstances such as a nuclear attack or direct invasion was not the issue.

The issue involved the commitment of U.S. military forces, little by little and then more and more, exclusively by the President, allegedly under his authority as Commander in Chief, without congressional approval or adequate consultation with the Congress.

Senator Jacob Javits, the initial sponsor of the war powers legislation, in testimony before this committee in 1971 explained this problem very eloquently when he noted:

We live in an age of undeclared war, which has meant Presidential war. Prolonged engagement in undeclared, Presidential war has created a most dangerous imbalance in our constitutional system of checks and balances.

However, after much debate and considerable compromise, the war powers resolution became law. In my view, the war powers resolution did not take power from the President. To the contrary, it was a tacit act on the part of the Congress according powers to the President under certain circumstances that were not accorded to him under the Constitution.

Congress basically said, we recognize that in a modern age and with major global responsibilities, some degree of additional flexibility should be given to the President in committing U.S. combat forces abroad.

Yet, the mere passage of the War Powers Resolution did not resolve this dilemma—a dilemma that we are presently facing in Central America today. The administration opposes my amendment as being

unnecessary because it does not have any plans to commit U.S. combat troops to El Salvador. Yet, an administration witness appeared before this committee a few days ago to state that my legislation would hamper Presidential flexibility to respond to so-called emergencies.

Beyond the evacuation of U.S. personnel threatened by hostilities, the administration has yet to define the so-called emergencies which would compel the President to commit U.S. forces to El Salvador. The problem is compounded by the fact that the administration has not presented a well-defined strategy in pursuit of clear and agreed-upon objectives as they relate to Central America. The Congress has yet to be presented with evidence as to the risks to be accepted or the resources to be expended in the long run for what could be essentially an open-ended commitment to that area of the world.

The policy we finally choose will only succeed if there is a national consensus in support of that policy. The only way to insure that we will choose the wisest course of action for our Nation is for the Congress to first exercise its responsibility under the Constitution and to have an opportunity to exercise its responsibility under the Constitution.

There is growing concern in America over the direction of the administration's policy in El Salvador and throughout Central America. My mail shows it and I would daresay that your mail reflects it as well. The polls certainly reflect a growing opposition to a deepening U.S. involvement in the region.

So it is my belief that in a matter as serious as this the executive branch must be able to make a very compelling case, and before troops are committed for combat purposes in El Salvador, Congress should be an equal partner in that decision.

Perhaps my colleague who was so willing to offer his unconstructive criticism so freely did not realize that I advised my own President, President Carter, to bring Congress in as an equal partner in any rescue attempt that might be made when we had our own people in Iran. Not only did I ask him to do that, but I asked him in particular to be sure to consult with the minority, something that is not done very much these days insofar as the minority in the Senate is concerned.

The only option open to us is a response after the fact. I argue strongly that it is our constitutional responsibility to err on the side of debate and caution before we are confronted with a situation that could cost us so dearly in money, national unity, and the spilling of American blood. Perhaps it takes a grandfather to understand what that means.

We know from experience the difficulty in using a foreign military presence to impose a political solution in another country. By moving incautiously, we run a great risk of creating a divisive debate which could once again rip apart the fabric of our country.

But beyond the issue of Congress exercising its responsibilities under the Constitution, I think we should be sensitive to the problems we would be creating for our own military if a precipitous decision were to be made to send combat troops to El Salvador.

I was struck by the arguments advanced by Marine Corps Maj. A. J. Ponnwitz, who analyzed the implications of the War Powers Resolution on the capability of our combat troops committee abroad.

Writing in the October 1980 issue of Marine Corps Gazette, Major Ponnwitz made the following points, which are particularly relevant to the situation we may face in El Salvador:

> The United States should be wary and not engage in wars of limited purpose or magnitude simply to send diplomatic signals to the other superpowers. Wars are terrible, violent, aggressive acts; and when the United States does not intend to declare war or to project its power to defeat an enemy or to destroy his will to resist, the military force should not be used.
>
> Constraints, such as those imposed by the Congress with the war powers resolution, may seem to protect this nation adequately against future successful Presidential military initiatives . . . (However) Those constraints apply only after the fact of an intervention; and the government has the tacit responsibility, once armed forces are committed, to permit the military commander to exercise whatever force is required to achieve a timely and decisive solution to the conflict.
>
> In summary, effective limited wars can be fought and won by the U.S. military forces, provided that the President and the Congress are willing to consider declaring war and to unequivocally support the commitment. Once the military forces enter the area of hostilities, the on-scene commander must be permitted to exercise his command prerogatives to ensure the accomplishment of his military mission and the safety of his forces.

I think Major Ponnwitz raises appropriate concerns which must be addressed by this distinguished committee as you deliberate the merits of my legislation. If one has to balance the risks between my legislation and the present powers delegated to the President under the war powers resolution, I see far worse consequences flowing from an introduction of U.S. combat forces into El Salvador, which the Congress would then have to overturn by concurrent resolution.

There would be far greater damage to the President, far greater damage to our military, and far greater damage to our national interest, if such a scenario as I have just outlined were to occur.

Under our form of government, the Congress is most directly responsible to the citizens of this country, and as such, the Congress reflects the concerns of the people. For a President to pursue successfully both foreign and domestic policy, he has to have the support of the people, and that support is reflected in the representatives directly elected by the people.

Yet, the administration has yet to respond to growing congressional requests for full consideration on, and discussion of, our Central American policy. A bipartisan concern has arisen. William D. Rogers, who served as Assistant Secretary of State for Inter-American Affairs during the Nixon administration, made the following point before your committee recently regarding the Administration's policy:

> The nations of Central America have a heritage unique to them. They are not blank pages upon which outsiders may write as they will. The root cause of Central America's crisis today is not Cuba. It is its own history of repression and poverty. Its victims, first of all, are Central Americans. It is not our front yard. It is theirs. We ignore the reality of Central America's distinction at grave peril to sound policy.

Mr. Chairman, this is the reason for my deep concern. I have no desire to expand the powers of my office. I could not care less about expanding them beyond those that are rightly those of the leader of my party.

A policy which is predicated upon other assumptions, while ignoring reality, is an unworkable policy. And if that policy begins to fall apart, then the temptation may be to escalate our involvement in an effort to control events.

Today, stability in most of the world depends on how well governments satisfy the basic social, economic, and political requirements of the vast majority of their populations. Governments which are not willing to provide this will, at the very least, suffer levels of instability sufficient to render them ineffective.

The problems in Central America are visible for all to see. Yet the solutions will come only from the willingness of these countries to commit themselves to change. The United States cannot solve those problems for them. Only those people can do it themselves.

Significant resources have been devoted to this region of the world since the 1960's. The lesson to be learned from our experience is that these resources have not bought us the stability we had hoped, because they were not expended on resolving the root problems of the societies involved.

The question is simple: Are we better off in Central America than we were 20 years ago? We had better answer that question intelligently and realistically before we find ourselves throwing increasing amounts of money at problems we alone cannot resolve.

Before concluding my remarks, I would like to address briefly the resolution offered by the distinguished Senator from Idaho, Mr. Symms, relating to the Monroe Doctrine, the Rio Treaty, and the joint resolution on Cuba passed by the Congress in 1962.

Recent history should be a lesson for all who are willing to read it. In the course of the Vietnam war, the Johnson administration reconfirmed the Executive's claim to unilateral authority in the use of U.S. Armed Forces. In August 1967, Under Secretary of State Nicholas Katzenbach contended that the Gulf of Tonkin resolution was:

> As broad an authorization for the use of armed forces for a purpose as any declaration of war so-called could be in terms of our internal constitutional process.

Mr. Chairman, your committee should be very sensitive to executive branch interpretation of any action taken by the Congress.

We have all taken an oath of office. We have all accepted responsibilities upon election to these offices, and we have serious responsibilities delegated to us under the Constitution, responsibilities which we have sworn to uphold and defend. But just as importantly, our role is to reflect the views and the concerns of the people who elected us, specifically to carry out these responsibilities.

Our experience in Vietnam should have taught at least some of us a lesson, that policies cannot be pursued effectively if the policies do not have the support of the American people. That is what our democracy is all about. It has stood us in good stead through the 200-plus years of our existence. It will insure that we will enjoy another 200 years as the world's greatest representative democracy.

In summing up my concerns, I want to assure the committee that I offered this legislation in all seriousness. It was not a demonstration of partisanship. I have demonstrated under Republican Presidents my support for them at times when it ran against the mainstream of my own party.

Some of those who have just entered the U.S. Senate and who make such outlandish charges as those which were made in connection with me when I introduced this legislation perhaps do not realize very well what they are talking about. Second, they have made no effort to determine the validity of their statements or the facts.

It was not an effort on my part to bring greater power to my own senatorial office. The power of my senatorial office is given by the Constitution of the United States and the laws enacted by Congress.

I offered this legislation in response to the concerns of the people of West Virginia who elected me and who have elected me consistently for 36 years. So I am not a newcomer to politics, and I am not here to enlarge the powers of the office to which I am merely temporarily elected by my colleagues in the Senate and temporarily elected by the people of West Virginia.

Finally, we should learn the lessons of history. Before our Vietnam experience is repeated, our policy toward El Salvador and Central America should be debated thoroughly. No matter how remote the possibility might be that the President—and were he a Democratic President I would be making the same speech today—would feel compelled to commit troops to El Salvador, he has to do so with the full knowledge that the American people and the Congress unequivocally support him. For the Congress not to demand this would betray our oath of office and we would betray our responsibilities to the people who elected us to make these decisions.

Mr. Chairman, I want to thank you for the inconvenience that I am sure your committee has been caused by arranging my appearance at this hour. But I thank you for the courtesy that you have consistently shown to me throughout our service here together.

I thank the committee for the work that it does daily, and I hope that the committee will carefully consider the language of my bill. I am sure that with the invocation of the collective wisdom of this committee, that language will be carefully scrutinized and appropriately acted upon.

Thank you.

The CHAIRMAN. Thank you very much, Senator Byrd.

Even though you are appearing during a markup of these resolutions, I felt for two reasons it was important that we hear from you today: First, so that you could respond to the comments made on the floor.

Senator ROBERT BYRD. Might I say that had I known they were being made on the floor at the time, I would not have caused you this difficulty, Mr. Chairman. I would have responded then.

The CHAIRMAN. I was not on the floor at the time and was not aware of the comments. And it is not because I have six constituents living in the great State of West Virginia who are members of my family that I now say what I do. I was not here at the time of the Gulf of Tonkin Resolution. But we know what happened then. We know what was in the minds of Senators at that time, and they did not feel that they were declaring war at that time. But if a distinguished and outstanding lawyer, Nicholas Katzenbach, who was Under Secretary of State, said as you have in your statement, that the Gulf of Tonkin Resolution was "as broad an authorization for the use of armed forces for the purpose as any declaration of war, so-called, could be in terms of our internal constitutional process," that is what we are trying to avoid at this time.

It is for that reason that I really welcome the resolution that you introduced. However, if I had been on the floor at the time it was said:

Presidential powers in the realm of foreign and military affairs, as guaranteed by the Constitution, were eroded considerably with passage of the War Powers Act. I have always opposed the War Powers Act. Senator Byrd is attempting to paralyze the President further and bring greater power to his own senatorial office.

I would have objected on two grounds to my distinguished colleague—first on the grounds that the War Powers Act was absolutely essential and necessary.

I was here when the War Powers Act was passed. I came into the Senate very much opposed to the Vietnam war and differed with my distinguished colleague and former friend, a deep friend of long standing, Paul Douglas, who was also my former professor. I disagreed with him on that war. And I introduced the first resolution into the Senate, defining the powers of a President and the Congress.

The Constitution clearly says that only Congress can declare war. The problem is what they really meant was to make war. We engaged in wars without ever declaring them. This was done by several Presidents.

It was to stop that that I introduced my resolution, which later Senator Javits and Senator Stennis teamed up to put into law. I immediately joined as a cosponsor, thinking that the two of them had done a far better job than I had. Why have only a sense-of-the-Senate resolution when you can have a law?

I worked hard for that, and no one could testify how hard any Senator worked than the distinguished majority whip at that time, I believe, to get that passed and then to override the President who vetoed it.

I felt it was absolutely essential to restore by law what was intended by the Founding Fathers, according to the deliberations they carried on, and what was now seem gone around by different Presidents. Only Congress can declare war or make war, and that is what we assured in the War Powers Act.

So, to in any way to imply that your purpose in fighting for this, having seen you fight that battle, is because you are just trying to add power to your own office, is wrong. One would have to ask, then is the same thing true of Senator Hatfield, who is a cosponsor of your resolution, or of the 20 Senators who were the original cosponsors of that resolution when it went in?

Senator ROBERT BYRD. Or Senator Javits, who was prominently involved in the enactment of the War Powers Act.

The CHAIRMAN. Well, George Eliot says, "leave us not inquire into the motivations of man." I have had one rule in 16 years in the Senate: I never impugn the motives of any of my colleagues. In this case, I can certainly testify to the fact that the motives of the distinguished Senator from West Virginia were exactly the same as those of all the rest of us who simply never wanted to see us get into a war other than through the constitutional powers and to clarify what was intended clearly by the Founding Fathers to mean.

I would have to disagree respectfully with our colleague who said that on the floor, and who would have voted against the War Powers Act. He would have been a distinct minority because over two-thirds of the Senate clearly came back and overrode the Presidential veto. I know of no President who wants any restraints placed upon him if he can help it, but in this case we clearly acted and overrode that.

My questions are very few. But you can be extremely helpful to us. When you came in the room, we were in the midst of discussing a resolution which, regretfully, I did not think to send over to your office last night, that would combine many of these ideas and see if we cannot answer some of the concerns expressed in five resolutions in one resolution that could be reported out of this committee.

In the final paragraph of this resolution I said that we would be putting in a section that would take into account the Byrd resolution. I will read it very quickly. You can either react now or take it and study it, because it is obvious we are not going to finish this markup today.

Would you study as to whether or not the whole resolution helps us solve this problem. But in this paragraph, the final paragraph in the resolution, we take into account the Byrd resolution. It reads:

> Nothing in this resolution shall be deemed to change or otherwise affect the standards and procedures provided in the War Powers Resolution of 1973, the Intelligence Oversight Act of 1980, and the International Security Assistance and Development Cooperation Act of 1981. This resolution does not constitute the specific authorization for introduction of United States armed forces contemplated in Section 8(a) of the War Powers Resolution. Consideration of such extraordinary measures must include the required consultations by the President with the Congress in light of the particular figure circumstances and possible justifications for any such action.

Clearly, we are trying to reflect the concerns you brought to our attention, and I certainly commend you for so doing.

Does this language offhand give you the feeling that we are trying to work toward taking into account the Byrd resolution and the concerns you so aptly expressed?

Senator ROBERT BYRD. Mr. Chairman, your words to that effect would indicate to me that you are sincerely trying to take into consideration the language of my bill. I would not feel free to comment on the paragraph without reading it very carefully and seeing the verbiage that precedes that paragraph.

But I would be very happy and very honored indeed if you asked me to look at it and respond in writing to you and to the ranking member of this committee.

The CHAIRMAN. Yes; I would ask a staff member to provide Senator Byrd a copy of this before he leaves. We would appreciate that.

Let me read one more paragraph which we were in the midst of deliberating, which we included, taking the practical situation into account that the Symms resolution was only tabled by two votes and it did not have the support of the administration. Subsequently the administration has said it supports the Symms resolution.

I do think that during the course of the hearings on Senator Symms' resolution, this committee clearly brought out the problems that it would present to us. Are we really, in 1982, in exactly the same set of circumstances we had in 1962, and should those same words be reasserted or reinforced now? What would the implications of that be?

We are trying to take into account the fact that we need something along these lines to give expression to Senators who are supporting the Symms resolution. We have a subparagraph in here under the "Resolved" section, and I will read (a) as a preamble to (b):

(a) to prevent in Cuba the stationing of nuclear weapons by the Soviet Union, the development or acquisition of nuclear weapons, or any other activity which poses a serious offensive military threat to the national security of the United States; and

(b) to resist by every reasonable means attempts by Cuba, or any other state in the hemisphere, to extend its influence by aggressive or subversive activities directed against any state or territory in the hemisphere.

Now, Senator Byrd, you could either comment now to the committee or you could study it and give us a subsequent comment, and we will keep the record open for that purpose.

Senator ROBERT BYRD. I appreciate your offer, Mr. Chairman. I will carefully examine the language and comment in a timely fashion so that you will not have to keep the record open long.

[The following information was subsequently received for the record:]

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, D.C., May 4, 1982.

Hon. CHARLES H. PERCY,
Chairman, Senate Committee on Foreign Relations, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Once again, I want to express my sincere appreciation for your willingness to afford me the opportunity to testify before your Committee this morning on my amendment to the War Powers Resolution. Your patience and graciousness were deeply appreciated.

You had asked for my views on two provisions contained in the draft resolution being considered by the Committee. The provision which relates to the War Powers Resolution only returns us to the status quo and does not really address the concerns contained in my legislation.

In essence, one of our problems has been the unwillingness of the Administration to open up a full dialogue with the Congress on the matter of our policy towards El Salvador and Central America. In the absence of testimony to the contrary, the Senate has to base its judgment upon what the Executive branch has consistently outlined as its policy. Basically, the Administration has been consistent in pointing out that they will not foreclose any options available to them. Therefore in light of the significant military and economic assistance we continue to provide El Salvador, I think, at the very least, the Senate should signal the Administration that there is a point beyond which we will not proceed unless there is a compelling justification for doing so.

In assessin the merits of my legislation, I think the Committee has to answer the following question: based upon the Administration's justification thus far for our involvement in El Salvador, has any evidence been produced which would merit the commitment of U.S. combat forces to that country? I think that question should be answered in advance of such a commitment, not afterwards, no matter how remote that possibility might be.

You had also asked for my views on provision I(b) of the resolution which states our long-standing determination "to resist by every reasonable means attempts by Cuba, or any other State in the hemisphere, to extend its influence by aggressive or subversive activities directed against any state or territory in the hemisphere."

On the face of it, I do not have any problem with this provision. We should resist Cuban subversion in the hemisphere. However, it only addresses one-half of the equation. I think former Assistant Secretary of State William Rogers' testimony before the Committee, which I cited in my statement, addresses the other component of this equation. Whether or not Cuba is successful in attempts to subvert other governments will be contingent, in large part, on the degree to which social, economic and political inequities in a given country lend themselves to such subversion. Therefore, I think this consideration should be given attention in the resolution as well.

Again, I appreciate very much your willingness to have my views on these matters.

With warm personal regards.

Sincerely,

ROBERT C. BYRD.

The CHAIRMAN. Thank you very much. Senator Pell.

Senator PELL. Thank you, Mr. Chairman.

I would merely like to congratulate my leader on the cogency and the depth of his statement and putting the situation into the perspective of history and the Constitution. As Santayana once said, those who forget the past are condemned to repeat it. I think you touched on that in your statement, Mr. Leader.

Is there any question in your mind but that the citizens of your State and the citizens of the United States are at this point certainly dead opposed to the entry of any U.S. Armed Forces into El Salvador?

Senator ROBERT BYRD. I think the people of my State are opposed at this particular time, and unless there were clearly substantial justification for such they would continue to be opposed. My people I suppose gave more in the Vietnam war per capita in respect of casualties than did any other State. Certainly it is as high as any, it was at least at the very top. It does not shrink from whatever requirement may be needed to protect the interests of the United States anywhere.

We are concerned that there might be an escalating involvement of combat force unless the Congress has an opportunity to be consulted and to debate the circumstances at a given time. That is what we are asking for here. We leave the President, in the legislation that I introduced, sufficient flexibility, I think, to protect Americans who must be evacuated. We leave him sufficient flexibility to protect the security interests of the United States if perchance those security interests should be threatened from the territory of El Salvador.

But we think that beyond that the Congress needs to be consulted. So again, I complete the circle by saying, Senator Pell, that as of now my people see no reason why we should become involved militarily in El Salvador, and with the recent lesson of Vietnam indelibly written upon their minds, hearts, and consciences, they just want to be sure that we do not get ourselves in little by little by little, until we find it impossible to extricate ourselves without the spilling of much American blood.

I cannot speak for the other States of the country.

Senator PELL. Then too, we sometimes have a very disagreeable choice to make. I think it was Edmund Burke who said that we were engaged to exercise our judgment and not the wishes of our constituents, and that if we merely reflect the wishes of our constituents we served those constituents poorly. It is a very noble statement. He was defeated in the next election.

At the time of Vietnam, I recall my State was very hawkish in the early days of the war, in opposing it. And I think Congress might be in the position where you would have a hypo-enthusiasm built up, as Hearst did in the Spanish-American War. I would hope the Congress might have the stamina to resist a general will, wish on the part of the people in that case.

What would be your reaction to that thought?

Senator ROBERT BYRD. I am sorry, Senator Pell, but I lost track of what you were saying, because I, too, was trying to recall the words of Edmund Burke. I used them during the great Panama Canal debate on the treaties. They are being thrown back at me these days.

Senator PELL. Well, please do not suffer his fate.

Senator ROBERT BYRD. Burke indeed was not reelected. But I expect to be able to make my stand.

It was difficult in connection with the Panama Canal treaties, but I think we did the right thing. As to the outcome of my election, as to whether or not it will parallel that of Edmund Burke remains to be seen.

But I apologize for not following your thought as I should have.

Senator PELL. My question merely was that I was interested in your philosophical thought in connection with Congress' responsibilities. Should we reflect the will of the people in a case of this sort or, if we in Congress think military action is ill-advised, should we resist that?

Senator ROBERT BYRD. I think we should reflect the will of the people as a general rule. There will come times when I feel that the Congress, with the resources that are at hand—as in the case of the Panama Canal treaties, and after careful study of all of the facts, the considerations, the committee reports and the committee hearings, I felt it was our responsibility to do what we thought, armed with those facts, was in the best interest of our country.

So once in a while there comes a matter of great controversy that requires us to perhaps go against the tide at the moment. But I believe that history will support our decision in a situation like that.

I think that the Senate showed its true character when two-thirds plus one of the Members of the Senate voted to support some unpopular treaties which had been negotiated through the administrations of Presidents Johnson, Nixon, Ford, and Carter. I think that the facts of history subsequent to the enactment of those treaties have indicated that our decision as the right one. When two-thirds plus one go against what appears to be the majority will of the people, that says something about the U.S. Senate.

But in the main, it is our duty to reflect the will of our constituents. But I still think, based upon all of the facts that we have, in a great controversial situation when there are many organized groups who are attempting to persuade the people of the contrary and people do not have the facts before them, I think there are occasions when we have to take our stand.

I think if the people are fully informed, then their judgment will always be the correct judgment.

Senator PELL. Thank you very much.

Finally, in connection with your resolution which amends the War Powers Act, I would observe that we could not incorporate it into this paragraph, because we say in this paragraph to which the chairman referred, "Nothing in this resolution shall be deemed to change or otherwise affect" it, I think we would have to find some way of referring to it by mentioning it as a reference and passing it as a separate amendment, if we could, to the War Powers Act.

But I would think it be difficult to incorporate it in this joint resolution except by reference.

Senator ROBERT BYRD. I would not quarrel with the committee if it deems the language to be difficult in that regard. I would certainly respect the collective wisdom of the committee.

Senator PELL. Senator Byrd, why do you feel that El Salvador is a separate case for which there should be an amendment, as opposed to any other country? What is your thought there?

Senator ROBERT BYRD. I think we have gone through a period of escalating rhetoric which leads many of our people to feel that we may also escalate our involvement in El Salvador. It may be a rather dormant issue at the moment because the Falkland Islands have pushed it off the front pages, but I have a feeling that it may come back.

I also felt that, in view of some of the statements that were being said by very responsible officials, that we ought to let it be known now and not after the fact that Congress expected to be consulted.

It was said by someone that our combat forces would feel more at ease if they were carrying M–16 rifles. It was said by someone else that perhaps our combat forces ought to accompany Salvadoran troops into combat. I am not precisely quoting those, but am paraphrasing only. It is things like this that lead me to be somewhat nervous about the possibility of escalating ourselves into deeper involvement.

As one who went through the situation in the Vietnam war, I am highly sensitive to it and I think I reflect that same high sensitivity on the part of the people of my State. So I felt that a stitch in time would save nine, that we ought to look before we leap. Those of us who do care about this institution—and I think most of us do—would feel that it is our responsibility to attempt now to get the consultation, get the dialog going, get the debate going, get the facts, and be in a position to render whatever decision is in the best interest of the country, rather than wait and sleep on our rights.

There is an old axiom that one should not sleep on his rights. So it is not only our rights, but our responsibility as Members of Congress, I think, to send out the warning that we expect to be consulted, because we have a role to play also in this matter.

Senator PELL. Thank you very much, Senator Percy.

The CHAIRMAN. Thank you, Senator Pell.

Senator Byrd, for clarification purposes, I felt that the Byrd resolution was so important that we should not put ourselves in the position of having to amend the War Powers Act every time a situation comes up in the Western Hemisphere. For instance, we have one in Argentina right now; should we amend it again?

That is why, working very closely with the staff on this, who have done an outstanding job of trying to pull all of our thrusts together, I suggested we apply the Byrd resolution to the entire Western Hemisphere and not just to El Salvador. But it also applies now to Argentina and any other occurrence that may evolve, because we need to go right back to updating ourselves from the Monroe Doctrine and the initial enunciation of that doctrine to today's conditions.

Also, we will give to you along with this an amendment that I will offer now, in view of Senator Dodd's comments, to paragraph (b). After mentioning everything in paragraph (b), I suggest we add the words "consistent with paragraph III of this resolution." Roman numeral III is the embodiment of the spirit of the Byrd resolution.

Senator ROBERT BYRD. Mr. Chairman, if my bill can be improved upon by the committee I certainly have no resistance to that whatsoever. I welcome it, as a matter of fact. If it can be an instrument whereby we eventually work out something that is representative of

the collective wisdom of the committee and the Senate, the purpose has been well served.

I recognize the constructive comments that you have made and I respect them. I again thank you for allowing me to appear before the committee, and I have taken more time than I should have.

Senator Baker is now waiting for me to come to the floor.

The CHAIRMAN. Senator Dodd, I know you are waiting, and I received a notice that you were supposed to leave at 11:30 also.

Senator DODD. I just want to commend my leader. As always, his thoughts are incisive and very clearly articulated. I always enjoy listening to you, because as a new member of this body it is always a good history lesson. I was not here in 1973, though I am somewhat familiar with the War Powers Act. But it was a very worthwhile 45 minutes this morning to hear you articulate so clearly the genesis of the War Powers Act and as it applies to the particular situation we now face in Central America.

I think it is unfortunate, but we seem to have gone awry here in Central America, and the fact that there is so much legislative activity in this particular area should serve as an indication of Congress deep concern over the direction that we are heading in our own hemisphere.

The leader, the minority leader, has articulated that view better than anyone else I know. So as one member of this committee, I thank you.

Senator ROBERT BYRD. I thank you, Senator Dodd.

I have no doubt that you will lend your wisdom and your talent and your very articulate voice to the molding of the legislation that will best serve us, and I appreciate very much your comments.

Senator DODD. Thank you.

The CHAIRMAN. Thank you very much, Senator Dodd.

Senator Pressler, do you have a question?

Senator PRESSLER. Mr. Chairman, I also want to commend the minority leader and would like to say that I would like to be a cosponsor of the Byrd amendment, which I think is very appropriate and which I think is very necessary. I do not know if you are still accepting cosponsors at this late date, but I certainly will support it.

Senator ROBERT BYRD. I thank you, Senator Pressler, very much.

And thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Byrd. We appreciate very much your coming before this committee.

Senator ROBERT BYRD. I will tell the first lady of West Virginia how sweet you were to me in my appearance before the committee. [Laughter.]

The CHAIRMAN. Let me say that the first lady will be staying with her father and mother tonight in Washington. [Laughter.]

Senator ROBERT BYRD. I must say that, next to you and Jay, she probably thinks about as much of me as she does most any other West Virginian. She is a great lady and I admire her. As the father of two daughters, I know how much pride you take in her.

The CHAIRMAN. I thank you very much. I will convey that message to her. It means a great deal to me.

[Pause.]

The CHAIRMAN. Before we go back to paragraph (b) of our resolution, I would like to read into the record an extract from a letter that

has just been delivered to me by our friend Ambassador Ernesto Rivas-Gallont:

This letter follows my conversations with members and staff of your Committee regarding the formation of the government of national unity of the Republic of El Salvador. We are in the initial stages of working out the relationships that have been developed as a result of our very successful democratic elections of March 28.

I have been instructed by President Alvaro Magaña to convey to the Congress his firm personal commitment to the social and economic reforms in El Salvador.

Senator Dodd, I am reading this essentially to you.

Senator DODD. Yes.

The CHAIRMAN [reading].

I have been instructed by President Alvaro Magaña to convey to the Congress his firm personal commitment to the social and economic reforms in El Salvador. The Constituent Assembly has recognized "the validity of the legislative actions of the previous regime, especially those related to the social and economic reforms of the agrarian, banking and foreign trade areas."

The very nature of our new government raises technical and legal problems in how best to achieve these national policy objectives. Both President Magaña and the Constituent Assembly are confident that an adequate solution to these problems will be found and both are committed to doing so as quickly as possible.

I express appreciation to the Ambassador for having delivered this letter this morning. I think it is an important letter, and without objection I will ask that the entire letter be incorporated in this record.

[The letter referred to follows:]

EMBASSY OF EL SALVADOR,
Washington, D.C., May 4, 1982.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter follows my conversations with members and staff of your Committee regarding the formation of the government of national unity of the Republic of El Salvador. We are in the initial stages of working out the relationships that have developed as a result of our very successful democratic elections of March 28.

I have been instructed by President Alvaro Magaña to convey to the Congress his firm personal commitment to the social and economic reforms in El Salvador. The Constituent Assembly has recognized "the validity of the legislative actions of the previous regime, especially those related to the social and economic reforms in the agrarian, banking and foreign trade areas."

The very nature of our new government raises technical and legal problems in how best to achieve these national policy objectives. Both President Magaña and the Constituent Assembly are confident that an adequate solution to these problems will be found and both are committed to doing so as quickly as possible.

As part of our dialogue, I have taken the liberty of forwarding copies of this letter to the Honorable Jesse A. Helms, Chairman of the Subcommittee on Western Hemisphere Affairs, to the Honorable Claiborne Pell, ranking minority member of the Committee, and to the Honorable Edward Zorinsky, ranking minority member of the Subcommittee on Western Hemisphere Affairs.

Sincerely yours,

ERNESTO RIVAS-GALLONT,
Ambassador.

[The committee then turned to other business.]

* * * * * * *

[Whereupon, at 12:19 p.m., the committee adjourned, subject to call of the Chair.]

THE CURRENT SITUATION IN EL SALVADOR, FOCUSING ON LAND REFORM

WEDNESDAY, MAY 26, 1982

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to recess, at 9:57 a.m., in room 4221, Dirksen Senate Office Building, Hon. Charles H. Percy (chairman of the committee) presiding.

Present: Senators Percy, Kassebaum, Boschwitz, Pell, Biden, Sarbanes, Tsongas, Cranston, and Dodd.

The CHAIRMAN. The hearing this morning will start off with a report from Assistant Secretary of State Tom Enders to update the committee on the current situation in El Salvador, focusing on land reform.

We appreciate very much your being here with us this morning, Secretary Enders.

STATEMENT OF HON. THOMAS ENDERS, ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS

Ambassador ENDERS. Thank you very much, Mr. Chairman.

The carrying through of a broad and effective land reform is a major goal of U.S. policy in El Salvador. It is also encouraged by U.S. law, and it has been pursued steadfastly by two American administrations. It continues to be a priority objective for the United States in El Salvador.

In the last 2 years, the reform has in fact shown substantial accomplishment. The large farms, some 287 of them, have been turned into collectives. There is still, however, much to do to compensate the former owners and also to make sure that the new collectives work in fact both economically and socially.

With regard to the small plots, some 30,000 provisional titles have been granted. We think that may be something on the order of a third of the total. Some 36,000 have been claimed. Clearly, there is much to do to carry through this important aspect of the reform, the small plot aspect, and that remains our objective.

With regard to the so-called phase 2 of the land reform, properties between the very large ones that have been turned into cooperatives on the one hand, and on the other, the small plots, the former government, led by President Duarte, decided not to pursue it because of its potential economic impact, and to leave it in suspense. The present Constituent Assembly has decided that it should not be pursued at this time.

El Salvador is a country that has very serious economic problems, as a result of the war and social turbulence, and there have in fact been a large number of plots of land that have not been utilized. Unintentionally, no doubt, the land reform itself has contributed to the number of plots lying fallow, because under the terms of the law, any person who can rent a small plot thereby acquires a claim to have that plot become his property under the land reform legislation.

As a result, for the last 2 years, no new small plot contracts have been entered into, as far as we can tell, and the amount of land that could be producing in this wartorn country has decreased each year. The former government attempted to do something about this by issuing an interpretation of the land reform decree, which implied, but was not entirely clear, that lands used for cotton and sugar could be rented without the renter acquiring the right of property.

The new government, under President Magaña, drafted legislation to that effect and submitted it on May 18 to the Constituent Assembly. A debate followed, and when the legislation emerged, it not only made it possible for renters to rent small plots of cotton and sugar land without acquiring the right of property, but extended that provision to grain and cattle lands.

In addition, the decree that came out of the Constituent Assembly was worded in an ambiguous way, and it was open to many interpretations. It was reported soon afterward that the decree actually suspended all of the land reform as it applied to small plots.

Subsequent to that, Mr. Chairman, a large number of people in El Salvador interested in land reform applied to President Magaña and to the president of the Constituent Assembly, and the Constituent Assembly issued a clarification of what it had done. If I could, I would like to submit that clarification for the record.

The CHAIRMAN. It will be incorporated in the record.

[As of the date of publication, the material referred to had not been supplied.]

Ambassador ENDERS. What it does say, in essence, is that none of the rights acquired under the land reform decree up to the time of that legislation are in any way altered. That is to say that not only those who have claimed ownership of plots but those who may claim ownership of plots in the future on the basis of the existing legislation and contracts to rent or to sharecrop entered into prior to the effective date of that legislation, all have rights which are protected and may be exercised. The statement is very clear.

However, I think in the current atmosphere in El Salvador, uncertainties remain. The intent of the law is challenged by many. There is a lack of confidence between the parties about what land reform should really do and be. People on either side of this argument are challenging the motives of those on the other side. In this atmosphere, I think it would indeed be very important if the clarifications which have been given can be made still more authoritative, if that is possible. Also, it would be very important if the concerns which still do exist about whether the land reform is actually going to be carried forward in the spirit in which it was drafted could be laid to rest by vigorous action to issue titles to the claimants and to facilitate land reform, particularly with regard to small plots.

It is important to remember, Mr. Chairman, that as a provision of U.S. law, the President must determine every 6 months that

Salvador is in fact carrying forward an agrarian reform program as a condition for continued security assistance. We intend to observe that certification requirement with great attention and prudence, so that we, in fact, can say incontestably to the Congress and to the American public that the agrarian reform is proceeding because we know that is a fundamental objective of U.S. policy.

The next Presidential certification is due in the last week of July of this year, and we expect at that point to present a very detailed analysis of the current state of the agrarian reform.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Secretary Enders.

I feel we probably will exceed the half hour we had set aside before our markup to cover this subject. Because of the House action which has delayed the administration's CBI program and because of El Salvador, I think it is essential to put as much light on this problem as possible.

My first question would relate to perceptions in El Salvador. Is there misunderstanding there that we may possibly be infringing upon their sovereign rights, that we are trying to tell them what to do? Is there an understanding, on the other hand, that we have been asked and approached by the Government of El Salvador for assistance and help?

We have had a pattern of providing assistance and help when we felt the help would do no good unless there were certain conditions met, and we sat down with the then Government of El Salvador and worked out these conditions. They agreed on everyone of the goals that we prescribed. They only disagreed as to whether it should be put into American law, but it is American funds that are being asked for, and we felt that as long as the goals were the goals of that Government and were agreed to, why not put it into law then?

Is there a misunderstanding? We really have had reinforced the fact, and I know when Senator Kassebaum was in El Salvador as head of our observation team on the elections, she came back and said, as a result of questioning peasants on the issue of land reform—and I want to quote her language—"They can't go back," they, meaning the elected government, "they can't go back on the land reform program. That is sacred. If they go back on the land reform program, the peasants in this country will feel they have been defrauded."

We are taking into account also as a committee that in the elections all parties said they would support the program. The level of support is always in question, probably, but they said they would support the program, and therefore my concern is whether or not there is misunderstanding, and what can we do to clarify the positions we take which we feel are reasonable and are conditions precedent in our law to our granting economic and military assistance.

Ambassador ENDERS. I think your statement will be very helpful, Mr. Chairman. There have been charges made that the United States is attempting to impose this aspect or that aspect of policy in El Salvador. That, of course, is not the case. What we are attempting to do, as you state very clearly, is to make clear the basis, the terms on which our support is given. That is done entirely with respect to the sovereignty of El Salvador as a friendly country that we wish to assist.

I think your statement will be very helpful in that regard.

The CHAIRMAN. I hope also, just as we have tried to walk in their shoes, to try to help in every way we can and better understand their situation, and certainly it can be understood that if 5 million peasants do not feel as though they are part of the economy, the political and social structure of the country in a significant enough way, they are not going to make progress, but they also would have to recognize that we went through the trauma for a whole decade of backing a Government in Vietnam that increasingly became less responsive to people, more suspect, and the loyalty to the Government finally ended up where the palace guard around the President was not even loyal to him, much less the rest of the country.

So, we have gone through a dramatic experience. We want to learn from that. We do not want to repeat it. If El Salvador is not asking for anything, we are not even making suggestions, but if they are saying they really need financial assistance and help and so forth, then we think that we should work out with them as a benefit of our experience what can be goals, things that we identify as goals that the people of El Salvador and the parties can really commit themselves to. I hope that will be understood.

I have one last question. Though I was unable to attend the meeting, I understand that yesterday, and others who did attend the meeting would be able to put more questions to you on it, but I do understand that yesterday the leaders of the peasant movement in El Salvador said that their preoccupation with the reform movement focused on, first, the inclusion of grain and livestock lands which are essential to peasant farmers, and second, the fact that no title or provisional title has been granted since April 1, and third, over 3,600 peasants of one union, the UCS, have actually been evicted since April 1, 1982. Therefore, they conclude that Decree 3 puts the land reform back to pre-October 15, 1979, days.

Would you comment on their observations made to members of this committee and the staff?

Ambassador ENDERS. With regard to titling, it is our understanding that in fact there have been new applications which have continued on in the period since the inauguration of the new government. Some 1,000 of them have been processed during this period. I think the exact figure is 1,114 which have been processed during this period. It remains a concern of ours that no final titles, or a very small number of final titles, have been issued in this program so far. Most have been provisional. We recognize the great difficulty of establishing a final title in any country, but that is a matter of great concern.

Mr. Chairman, evictions have always been a problem in every land reform, and they have been a problem in this land reform. There was a wave of attempted evictions last year at the time of planting, this time of year, that is to say. Finally, the Government had to take some strong measures against that which were generally successful in stopping it. There is in effect an attempt by landlords now to see whether they can't press the Government at this time and create some eviction situations. We will be looking very carefully to see whether in fact the Government reacts in the same way it did last year to protect the rights peasant farmers have acquired. I think this will be a very important indication of the direction that affairs will go in El Salvador.

The CHAIRMAN. Thank you.

I am going to ask the next time anyone uses a beeper and it goes off that that person leave the room. I do not know who it is or where it is, but it is disturbing to a witness to have beepers constantly going off. Thank you.

Senator Pell.

Senator PELL. Thank you, Mr. Chairman.

I think as a rule the New York Times does an excellent job with its little boxes in trying to simplify a very complicated story. In the Times this week, on the Salvadoran land reform it says that the assembly voted to abandon phase 2, and that phase 3, the Land to the Tiller program, was suspended.

In essence, as I understand what you are saying, you would disagree with these two points. Would that be correct?

Ambassador ENDERS. No. I agree with the first point. The first point is correct. Phase 2, which is the medium-sized farms, many of the most productive and effective farms, that phase is not being carried out, the ones that are between 100 and 500 hectares. It was something that had been proposed by the Duarte government but never carried through, Senator Pell.

Our own judgment was that in a war situation it would be unwise to cut into these farms, which are largely export farms, and to turn them over, for example, into small plots, so we ourselves have never supported the carrying through of phase 2, at least at this time.

Regarding phase 3, though, the small plots, the position is as I just described it. That is to say, a renter cannot now expect to rent land of any of the four types cited and acquire rights of property on them in the future, but all the rights of property already acquired are, we are told by the constituent assembly and President Magaña, to be respected.

Senator PELL. Aren't many of these farms of 250 to 1,250 acres basically used for cattle raising and grain production?

Ambassador ENDERS. Well, some certainly are, but, for example, the bulk of the coffee, cotton, and sugar land is in these medium-sized farms.

Senator PELL. I thought cotton was mainly in the big farms.

Ambassador ENDERS. Well, there were also substantial amounts of cotton in the very large farms which have been turned into cooperatives.

Senator PELL. What is Decree No. 3, article 6? I understand it is another effort to hold up the land reform program?

Ambassador ENDERS. Senator Pell, that was the decree voted, I think, the first day of the new Constituent Assembly. I do not have it in front of me here. It is somewhat uncertain, but in effect it appeared to some to change the basis on which the original Decree 207 had been issued, and it may or may not have been an attempt to weaken the basis for that. I do not know of the intent of it, but the Government rapidly reaffirmed the full legality of Decree 207, which is the basic land reform decree. I am not at all certain whether this is a significant issue at the present time.

Senator PELL. There are those in El Salvador who believe, to quote the peasant organization Unidad Popular Democratica, "These decrees annul in practice the above-mentioned reforms." In your view, is that an overstatement on their part?

Ambassador ENDERS. Well, we have had now a very clear and detailed statement from the Constituent Assembly as to what the present situation is with regard to land reform. Maybe if it is not too much I should read one paragraph about that.

Senator PELL. Please.

Ambassador ENDERS [reading].

The Constituent Assembly says in order to prevent possible incorrect interpretations it is necessary to make clear to the citizenry that Decree 207, which is the basic land reform decree, has not been derogated, but only temporarily suspended its application during the crop cycle of cotton, grain, canes, and livestock activities. The benefits of those people who were affected by said decree are continued and protected by Decree No. 6 of this Constituent Assembly.

Then it goes on to say, to be absolutely clear:

When this decree takes effect, the rights acquired by the beneficiaries of Decree 207 will be recognized, and the application of the same will be set down in the respective regulation.

In the above article, the following cases are contemplated.

Protection of the campesino or beneficiary who has obtained a favorable resolution by the competent organization. Security to the campesino or beneficiary who, having presented his application to said organization, is in process and has a resolution pending. Protection of the campesino or beneficiary who for one reason or another has not presented his application, but who enjoys a pending right which lawyers call expectation of right.

And then, finally, it says, so that it is absolutely clear:

The following cases are absolutely guaranteed or protected: people who on the effective date of Decree 6 had obtained their title to property; those who had already presented their applications; those who had presented their applications without yet obtaining a favorable resolution; and those who for some reason or 'force majeur' have not yet presented their applications for said property title.

So, it says in several different ways that all of the existing rights are protected. Now, some have said that this is a statement by the Constituent Assembly, and does not have the force of law. That may be an issue that they should address.

Senator PELL. But some evictions are taking place. I think we all agree on that.

Ambassador ENDERS. Yes; we do agree on that, and there is a danger at the start of this crop cycle that there will be new evictions on a significant scale, and as I say, one of the things at which we must look very carefully is whether the government acts effectively to prevent that.

Senator PELL Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Kassebaum.

Senator KASSEBAUM. Mr. Ambassador, what is troubling to me is not so much our analyzing the details of what has happened here, but that this was an objective of Salvadoran policy. I heard many say, both here and in El Salvador, that the land reform program was a very positive policy, that President Duarte had initiated this, and it was the belief that this particular policy was one of the bulwarks against any support that could be growing for the opposition, the guerrillas. That this had been a very positive initiative on the part of President Duarte at that time.

There were many who thought it did not go fast enough, and many who thought it had gone too fast, but it seems to me clearly, no

matter what interpretation one puts on it, that this new action is a setback. It seems to me it should be of grave concern to the Salvadorans and particularly to the new government as far as what it might do to cause a great deal of additional unrest and lose support from a very important sector there, the campesino leaders and those who have been very active in the reform movement.

It presents a problem for us, because clearly we have stated that the basis of our military support was the certification process, and one of the keys of that was progress on land reform. It seems to me we either make a decision to remove that requirement from certification which I think would certainly be viewed here as a step backward, or else we make a decision that we wait to see indeed what will be the result of the actions of the Constituent Assembly before we make any decision for additional security assistance.

This is the position I will take. It is very troubling to me in analyzing what has happened, and I think none of us really knows for sure yet. I would certainly be very understanding of the decision that President Magaña made and recommended to the Constituent Assembly that there be a temporary, certainly, moratorium on the larger acreage, the sugar cane and cotton acreage, because I think that is a different situation. But the rest of it, it seems to me, is very troubling and should be troubling to them as far as additional instability that it will create there.

So, I do not have a question so much as I do express the difficulties that it poses for both of us. We have to be very realistic about what has happened. I do not think we can try to contrive an answer to it until we see the results of it.

Ambassador ENDERS. Senator, I take it that indeed is the purpose of the certification requirement, a cyclical requirement which is designed to provide an opportunity to make periodic judgments of progress. I think it is too early to come to the conclusion that what has happened is indeed a setback. I think it is understandable that the universe of land subject to land reform would not necessarily be indefinitely expanding, because clearly no owner of land would wish to introduce his land into that and rent it out.

I think the economics of that are very understandable, particularly in a country that is in such a difficult economic position. It very much depends, I think, Senator, and I agree with you, not on our analysis or maybe even the current analysis down in San Salvador of what is happening, but in how it is in effect carried out. Will the process of titling go on? Will they control evictions effectively? It is possible as a result of this struggle in their legislature that the rights of the campesino to land reform will be clarified and confirmed. In that case, there will be an advantage. Clearly, all land reforms are a great struggle.

As we know, Mr. Chairman—you spoke of them earlier—they are almost always accompanied by some violence. The owners of land particularly in a country that has such an unfavorable ratio of land to people as this one, the ownership of land becomes the overriding objective of a great many people, and the struggle can be very bitter. I think we all recognize that, but I think it is too early, Senator, to consider this a setback. It could be, but it could also consolidate and confirm this, and we look to the government there and this new

democratic body to tell us which way it is going to go. I do not think we will know for several months.

Senator KASSEBAUM. Thank you.

The CHAIRMAN. Thank you, Senator Kassebaum.

Senator Tsongas.

Senator TSONGAS. Mr. Chairman, I would ask that two editorials, one appearing in yesterday's Post and one in today's New York Times, be placed into the record. Basically, the core of the editorial is your statement that not one cent will go to El Salvador if there is a backing down on land reform.

The Times begins its editorial by saying, "Does the Senate Foreign Relations Committee have the courage of its chairman's convictions?" I think that is a fascinating question, and time will tell.

The CHAIRMAN. Do you want me to respond to that? [General laughter.]

Without objection, the editorials will be incorporated into the record.

[The editorials referred to follow.]

[From the New York Times, May 26, 1982]

SALVADOR'S AID RIDES ON REFORM

Does the Senate Foreign Relations Committee have the courage of its chairman's convictions? Charles Percy said last week that if El Salvador retreated from its land reform commitments, then under American law "not one cent" more in aid could go to its Government. As he spoke, the reform program was effectively gutted by El Salvador's resurgent right, whose leader, Roberto D'Aubuisson, plainly assumes that America's word and backbone are made of rubber.

If the Administration won't stand up to him, Congress should. The law is clear, and also wise. American aid to El Salvador requires the President to certify, among other things, that its Government is promoting essential reforms, including land reform. They are essential not because Americans should be redesigning Salvadoran society but because without them, no Salvadoran government can gain the popularity on which the defeat of extreme leftists depends.

Another Presidential certification to Congress is due next month, which may be why the State Department is straining to find a mote of reform in the new land law adopted by the recently elected Constituent Assembly. It's not easy.

At the far right's urging, the Assembly ordered a suspension, of one to four years, in the part of the program that was meant to give thousands of sharecroppers title to the land they've tilled. That would eviscerate an already lame reform and confirm the guerrillas' cry that it is a snare. The Assembly should be limiting itself to writing a Constitution and preparing for elections next year.

The provisional President, Alvaro Magaña, has legal, political and even military grounds for vetoing this legislation. If he fails to do so, or feels he cannot, there should be little doubt that American support is being sacrificed.

Salvadorans have a sovereign right to march backward. But Americans are not obliged to follow. Nor is Congress obliged to follow Mr. Reagan if he tries to certify that reaction is reform.

[From the Washington Post, May 25, 1982]

MR. D'AUBUISSON'S CHALLENGE

Roberto D'Aubuisson, the right-wing leader who consolidated his position in the recent elections in El Salvador, is running an early test of the Reagan administration's taste for his rule. He has formally blocked or suspended major parts of the land reform that was at least the rhetorical centerpiece of the program of the junta in power before the elections. He is sending word to Washington that its emphasis on reform is blocking El Salvador's reach for democracy, free enterprise and victory in the battlefield.

Mr. D'Aubuisson's argument is not without superficial appeal. Land reform is a painful and difficult exercise in the best of times, and El Salvador is living through the worst of times. The pre-election junta had already gone into low gear on the reform, although, out of deference to the program's high political profile in Washington, it had done so discreetly. The program was drawn up mainly by Americans in a hurry and, in other circumstances, there might well be reason and support for a more measured pace and a certain retooling.

But this is not what is going on. Before the elections, the social elements represented by the parties of the right fought reform with terror and delay. Now that they dominate the legislature, they are seizing on the program's flaws to roll back the formal commitment to reform and to discredit its Salvadoran partisans. No objective observer can avoid the suspicion that the Salvadoran right means not simply to correct flaws but also to restore the old order under the banner of its ostensible electoral mandate.

If the Salvadorans really wish to turn back the clock, the United States cannot and should not stop them. But that does not seem to us what the voters were asking for—the pro-reform Christian Democrats, after all, were the top party. In any event, it is not conceivably a turn that the United States would want to endorse and to pay for.

Senator Percy, chairman of the Foreign Relations Committee, vows that "not one cent" of American aid will flow if land redistribution is suspended. There is a need to ensure that the particular programs on which Americans insist are programs that forward-looking Salvadorans approve. But Sen. Percy's is a sentiment that commands broad backing in Congress. The administration should present it to the parties in El Salvador as a concrete political reality with which they must deal. Otherwise, Mr. D'Aubuisson may conclude that, so far as this administration is concerned, anything goes.

Senator TSONGAS. Mr. Chairman, it was unfortunate that the attendance yesterday with the campesinos was so limited. Only two of us were there. Frankly, to listen to them and to listen to this is like listening to talk about two different issues. The State Department feels that the rights of the campesinos have been protected. The campesinos do not feel they have been protected. So, I think the conclusion one would make is that the guerrillas would be wasting their time organizing within the State Department. They would be better spending their time organizing among the campesinos, and I suspect they have arrived at the same conclusion.

The people who were there yesterday, and there are some people in the audience who apparently were a part of writing the law, feel very strongly about this. They made the distinction that Senator Kassebaum just did between cotton and sugar. Apparently Magaña had gone to them and explained the need, which apparently is legitimate, that for export reasons rationale for suspending that part of the law which affects those two, and they agreed to it. I guess this is related to the time it takes to plant cotton and sugar. Clearly, I do not come from an agricultural State, so I am taking this on faith.

They said that there was a national interest in doing that, and they would accede to that request. But when it went to the Constituent Assembly, D'Aubuisson and company then proceeded to tack on two other ingredients, grain and cattle, which they feel are the opening wedge to allow in essence the rollback of land reform. They are urging Magaña to veto the legislation, and I suspect the State Department is not urging Magaña to veto.

I will not ask you that unless you care to offer an answer. My guess is that although you probably would not want to reveal your hand, the State Department is not urging the veto. If it is not vetoed, and if in essence the land reform is rolled back, the sense of betrayal

among the campesinos, I think, is going to be overwhelming. You are going to hand the guerrillas a fantastic public relations, and, I think, long-term advantage.

I think what is happening here is very simple. D'Aubuisson is sticking it in our chest time after time after time. The nuns were killed. There were indictments. But that was the end of it. Then there is land reform, and the United States continues to back down. Remember what F. D. R. once said about Trujillo. He said, he may be an S.O.B., but he is our S.O.B. I get the impression that that is our attitude toward D'Aubuisson. While he is our man, there is nothing he is going to do that will cause us to simply draw the line in the sand.

I think it finally comes down to this committee to finally say, enough is enough. If we do not, Mr. Chairman, if they get away with this, and if the campesinos go back to El Salvador as bitter as they were yesterday, then we are on a slippery slope. The only way I can see that you can reverse the situation is if this committee takes a very strong stand.

The State Department cannot do it. They are tied to this guy, and there is no way they can pull back, because a lot goes down the drain with it. I am not unsympathetic to them, because I have the same situation with some leftists that I deal with in some other places. So I have some sense of that, but this committee has a responsibility. The chairman has drawn the line in the sand. If we back down, the message to D'Aubuisson is very clear. Do what you want! We will be with you no matter what you do, because you are going to help us contain Castro. If that is where we are, let us say it. But I do not think that is where we are, and I do not think that is where this committee is.

The tragedy is that those elections were so impressive. There really was a sense of potential resolution, and I think the backing down on land reform, and this exactly what it is according to the campesinos is a watershed. I trust their word on this. I think to a very large extent the history of El Salvador is going to be written in this committee and what it decides to do on this issue.

Senator PELL. May I ask a question?

Senator TSONGAS. Yes.

Senator PELL. Would it not be correct to say that the campesinos who voted very heavily and basically with the government, too, are at a watershed, and if their leaders return to El Salvador as bitterly as you report, they may move over to the extreme left, and away from their present moderate position.

Senator TSONGAS. Well, they urged all their people to come out and vote.

Senator PELL. Exactly, that is what I am saying. So far, they have been on the side of a democracy, and a pluralistic government, but if they go back as bitter as you report, they may well take their people over to the other side and transform the guerrillas from a tiny minority to a larger plurality.

Senator TSONGAS. Well, I asked them, when you go back now and talk to the people you urged to vote, what do you say? Their answer was rather intriguing. They are committed to getting Magaña to veto this thing. It was interesting, because it was not as if these are people who are opposed to any roll-back. They saw the value in terms of

cotton and sugar. They accepted that. They said they were not simply saying, we want this thing to remain intact without any kind of flexibility. They recognized the rationale on sugar and cotton. They feel that the introduction of the grain and cattle part, if those are left intact, is the excuse. Any person can just let cattle roam over a certain acreage, and that gives them the excuse not to have it distributed.

The issue is not dealing with the State Department or the State Department dealing with us. If you lose those campesinos, the ball game is over. I do not know whether those people are still in town, but I would urge that if they are still in town, that you make time to meet with them. You will come away, as I did, very shaken by what indeed is going on.

I am sorry to have engaged in a monologue, but that meeting yesterday really had an effect.

The CHAIRMAN. I think that is a valuable contribution. It gives us an opportunity to clarify for the administration what I perceive to be the position of the committee. It certainly is going to be my position. When we were asked by the Duarte government to not incorporate the conditions in our law, I said, it is up to us what we put in our law. We intend to put those conditions there. I would never just have a handshake on a multimillion dollar loan for any bank I have been a director of, and I was not about to spend taxpayers' money like that. We are spending money out of our Treasury.

Not to go forward with this program, from everything that we know, that we and the administration know would be simply handing a hatchet to chop up a program which is the only kind of program that will put that country together, it is an open invitation to the radicals and the left wing to take over, and they would take over with the assent of many decent people who in despair would then back them up, if they do not have sense enough to know that, and that we are not going to back up on that kind of policy, they have another thing coming as far as this committee is concerned, I think.

I think we will stand firm, and I trust the administration will stand firm with us on it. That is why we have insisted on two certifications a year, just to be able to checkpoint this and see exactly where we are going on this program.

Ambassador ENDERS. The administration will stand firm on it, Mr. Chairman.

The CHAIRMAN. Pardon?

Ambassador ENDERS. The administration will stand firm on land reform.

The CHAIRMAN. I think so, too. We stand together on this. It is important for them to recognize this. This is not interference in their internal affairs. This is what their people have loudly and clearly said. If they in arrogance think they can override the very people who elected them, I think they are really wrong. They will be swept out. That is not evolutionary. That is revolutionary. Many times the right wing becomes not a conservative party but a radical party in the worst sense of that term. They will override evolution and will bring on revolution. We have seen right-wing governments do it, extreme right-wing governments, that is, around the world, and it will happen here.

Senator TSONGAS. I will simply end up, Mr. Chairman, by saying that I think in politics every action creates an equal and opposite

reaction. I think that is what is going to happen. I would say if there is going to be a test, the test would be whether cattle and grain are taken out. If you want to leave sugar and cotton in there, I think we could understand that. The campesinos certainly do. But if the grain and cattle provisions remain in the law, irrespective of whatever changes they would make, I think we have no choice. We will see what happens.

The CHAIRMAN. Senator Dodd.

Senator DODD. Thank you, Mr. Chairman.

Mr. Chairman, you just said it in a word. I mean, it was said some years back, about 20-odd years ago, when the President of this country was meeting with the diplomatic corps from Latin America. At that time he said, "Those who make peaceful revolution impossible make violent revolution inevitable." Clearly, the land reform program in El Salvador was an effort toward peaceful revolution in that country. Although I try to understand the technicalities of what is being offered in terms of legislation in the Constituent Assembly, there is now a collection of evidence which certainly would make anyone conclude that this present administration in El Salvador is committed in effect to undoing the land reform program.

Major D'Aubuisson campaigned against land reform. He was violently opposed to it, even when he was not a candidate. The very first act of the Constituent Assembly was to prohibit constitutionally the expropriation of land for land reform. Moreover, since April 1, according to some reports, there have been no provisional titles granted at all. No permanent titles have been granted to anyone in that country. There are some 29,000 campesinos with provisional titles, and some 10,000 who are waiting to be granted those titles. Nothing positive has happened on that since the beginning of April. We now find a change in the law which repeals phase 2, and lastly, adds the elements, as has been pointed out by my colleagues here, of including cattle and grain as crops which would preclude phase 3 from being activated for the some 110,000 campesinos who otherwise would qualify.

So, there is a pattern developing here. We can listen to the rhetoric in terms of how we can try to make this better. I think all of us felt during the previous administration in El Salvador that while the land reform program was not working, and I think all of us understood that it was not working very well, I do not think anyone doubted the commitment of the Duarte regime, the Duarte government in that country, doubted its commitment to land reform. We all understood that things would have to be changed to make it work better, but there was a fundamental conviction, I think, that was communicated successfully in this country and very successfully, I think, in El Salvador, that despite the fact that things were not going quite as well, and obviously, in the midst of a revolution it was not going to work very well, there was still the strong sense that that government was committed to land reform.

Conversely, I think there is a strong sense today, and after listening to the five or six campesino union leaders yesterday, I want to echo the comments made by my colleague from Massachusetts—I regret that others could not have heard the testimony of these five campesino leaders—that they are totally convinced, totally convinced that this present government is out to destroy land reform. To quote the head

of the largest campesino group in the country, he called it a trick, it is "un truco", he said, of the government, to trick the campesinos so that they could lose the land that they had acquired.

Mr. Chairman, again, these are people who strongly supported the electoral process. This same group went to Europe to convince some of the European countries to support the government. They are hardly revolutionaries in the sense that we traditionally think of them in Latin America, and yet, without exception, each and every one of them feels very strongly that this whole effort is coming undone, and that their rights are going to be jeopardized as a result of the actions taken by the Constituent Assembly.

Let me emphasize again what they are. The very first act of the constitutional assembly was to prohibit expropriations of land for reform purposes, and then to repeal phase 2, and to suspend phase 3, by the addition of grain and cattle. There should be no doubt in anyone's mind about where this administration in El Salvador is headed with land reform. They are out to destroy it.

Now, it has been said, and was said this morning, and Senator Tsongas has put the editorial in the record, but I think the best line of that editorial is that "Salvadorans have a sovereign right to march backward." That is their right. If they want to repeal land reform, if they want to destroy it, that is their business. The question for us is whether or not we want to support that effort and follow them marching backward with our tax dollars, and I think that is the issue that we have to address here.

Mr. Chairman, I would like to make two requests. One is, we have with us in the audience today an individual who was the architect of the land reform program, Mr. Roy Prosterman. I do not want to take up any more time than the committee has, Mr. Chairman, and you have been extremely generous in allowing for this digression from our markup, but I think it might be worthwhile to hear from Mr. Prosterman, who designed the land reform program, and to hear his comments on whether or not he thinks what has occurred in the Constituent Assembly has in effect caused a serious erosion in that effort, both substantively, in terms of the actual program, and politically. He may be less anxious to comment on the latter part, whether or not in fact this is going to cause serious political erosion.

Then, lastly, Mr. Chairman, last week I suggested that we ought to get additional evidence, because the news reports were unclear. I have had an opportunity to get that evidence, and I have a motion that I will offer at the appropriate time to freeze aid to El Salvador, both economic and military aid, at the 1982 regular program levels. I will also ask that final consideration of this bill on the floor of the U.S. Senate come after the certification process in July. I think we ought to know whether or not the administration will join us in the strong statement, the statement that you, Mr. Chairman, made the other day in the committee that it would be absolutely foolhardy for this country to support financially a government that was going to destroy the very reason that they may have some success in defeating a guerrilla movement.

So, Mr. Chairman, if it is appropriate, when we complete the testimony of Secretary Enders, I would like to ask that Mr. Prosterman give us 5 minutes of his time and comment on what he thinks is

occurring as a result of these changes, and then when we return to this matter for consideration, I will offer such a motion as I have suggested.

The CHAIRMAN. With respect to your motion, it will be entertained at the proper time. I will probably offer an amendment also to make eminently clear what our position will be on this, so that there can be no possibie misunderstanding, and so that the committee will have a chance to vote on that amendment, clarifying our position.

With respect to having another witness now, the Chair will deny that request, with regret. We would be happy to incorporate into the record any written statements that the witness would have for us, but I think we should observe the committee procedure that we announce ahead of time, for witnesses to be called and go through the committee rules of having testimony submitted 24 hours in advance unless during a markup at the request of the committee a member of the administration is asked for clarification. I think we should stay with the committee procedure and background, even in this case. Just as a matter of precedent, it would be very difficult to deny another Senator the same privilege then. I think we have to stay with the committee procedures on that, but without objection, we will be happy to incorporate in the record at this point any written statement that the suggested witness would wish to incorporate.

Senator DODD. Thank you, Mr. Chairman.

[Mr. Prosterman's prepared statement follows:]

PREPARED STATEMENT OF ROY L. PROSTERMAN, PROFESSOR OF LAW, UNIVERSITY OF WASHINGTON, SEATTLE, WASH.

First, I must respectfully disavow the characterization of my role as that of "architect" of the Salvadoran land reform program. I have acted since February 1980 at the request of the AFL-CIO-affiliated American Institute of Free Labor Development as chief technical consultant to the principal campesino organization, the Union Communal Salvadoran (UCS), on questions relating to the land reform and its implementation. Although I am in no sense the "architect" of the land reform, I believe I am well- and currently-informed about its status and operation, and I am in substantial agreement with the attached statement of the Unidad Popular Democratica (UPD), a grouping of democratic Salvadoran unions and organizations, which include the UCS, issued in Washington yesterday. I wish to underline both that there has been a recent pattern of events, since March 28, 1982, which gravely threaten the land reform process and that the inclusion of basic grains and cattle grazing in the new Decree No. 6 raises virtually insuperable impediments to the continued viability and implementation of the vital Phase III of the land reform program, under which 150,000 families of former tenant farmers receive ownership of the land they till. This judgment remains true whether or not the subsequent "clarification" by members of the Constituent Assembly is taken into account and whether or not that clarification is somehow incorporated as part of Decree No. 6. It is of supreme importance that the references to grain and cattle lands be nullified, preferably through a veto of Decree No. 6 by President Magana, but at least through imcentral importance that neither the decree nor the "clarification" affirm that the implementation of the title-application and titling process will continue (let alone be increased above their recent very unsatisfactory levels), and indeed, to the contrary, the "clarification" speaks of a "temporary suspension of the application" of the original land-to-the-tiller decree, Decree No. 207 of April 28, 1980. There should be no doubt in any mind that such a "suspension" of implementing procedures would, under present Salvadoran conditions, be the deathknell of the land-to-the-tiller program. Such a "suspension" must, like the references to grain and cattle lands, be unequivocally disavowed, either through veto or revision of the new decree.

DECLARATION OF THE POPULAR DEMOCRATIC UNITY (UPD) OF EL SALVADOR—TO THE PEOPLE AND GOVERNMENT OF THE UNITED STATES, MAY 25, 1982

Whereas:

First: That the proclamation of the Armed Forces on October 15, 1979 represented an alternative solution for the grave problems which affect the Salvadoran people, and gave rise to the banking reforms, the export business reforms, and especially the agrarian reform.

Second: That the reforms, an interpretation of the popular feeling of the Salvadoran people represent a real hope for solution of the 60 year old structural crisis and constitute an alternative to avoid the violence and begin constructing authentic social justice for our people.

Third: That with the first free elections which were celebrated in El Salvador on March 28th of this year, democratically held, representatives of political parties who, having initially declared their support for the reforms throughout the campaign, at this moment have reversed their position and, through the Constituent Assembly have approved the following decrees which threaten the reforms: Decree 3, Article 6; and Decree 6, Article 1. These decrees annul in practice the above-mentioned reforms, a situation which gives rise to doubt and frustration, creating anew the conditions for a real civil war.

Therefore, the UPD demands:

First: From the Salvadoran government, through the Constituent Assembly, the following:

(a) Faithful interpretation of Article 4 of Decree 3, and total repeal of Article 6 of the same decree.

(b) Repeal of Decree 6, at least that part of Article 1 which authorizes rental of land dedicated to basic grants and cattle grazing; also in Article 2 of Decree 6 reaffirm that as stated at the press conference given by the Constituent Assembly, the following classes of people have and can continue to assert their rights under 207:

1. The people who at the time Decree 6 went into effect had obtained their titles to their property.

2. Those who had already presented their respective applications to FINATA.

3. Those who had presented their applications without having obtained a favorable resolution relative to their titles, and

4. Those who for whatever reason or extenuating circumstances have yet to present their application for title.

(c) In order to restore national and international credibility to the reforms, and to prevent their de facto annulment by administrative action or fiat, it is urgent and necessary that only persons with a high degree of dedication to the process of social change and democratization be assigned to the key positions within the agrarian reform.

(d) That the institution (FINATA) dedicated to the implementation of Decree 207 of the Revolutionary Junta by which the renters, tenants and sharecroppers became owners of the land they tilled continue accepting applications to receive title to the lands affected, and continue issuing provisional titles on a large scale—at least at the minimal level achieved the previous year.

(e) That the High Command of the Salvadoran Armed Forces issue clear orders to its officers in the field, including security forces, to protect the beneficiaries of 207, to put an end to all illegal evictions and put back on their land all those persons who were previously evicted.

Second: To the people and government of the United States of America:

(a) To continue the assistance to the people and the government of El Salvador, conditioned upon the continuation of the social reforms initiated.

(b) To act in solidarity with the struggle for the true interests of the Salvadoran people, as expressed by the Popular Democratic Unity, which represents more than 500,000 workers, laborers and campesinos.

For liberty, true democracy, social justice, the independence and national sovereignty of El Salvador.

Popular Democratic unity—U.P.D.

Union Comunal Salvadorena (UCS).

Federacion Salvadorena de Cooperativas de la Reforma Agraria (FESACORA).

Asociaciones Cooperativas de Produccion Agropecuaria Integradas (ACOPAI).

Federacion de Sindicatos de la Industria de la Construccion, Similares, Transportes, y de Otras Actividades (FESICONSTRANS).

Central de Trabajadores Salvadorenos (CTS).

The CHAIRMAN. Are there any further questions of committee members of Secretary Enders?

[No response.]

Ambassador ENDERS. Mr. Chairman, may I make a couple of comments on Senator Dodd's remarks?

First, Senator Dodd, a piece of information. The issuance of provisional titles has not been suspended. There were 1,354 issued in the course of the last reporting period since the month of April.

Senator DODD. How many permanent titles have been extended of the roughly 30,000 provisional titles?

Ambassador ENDERS. No permanent titles have been granted so far. None had been granted under the last administration. I think we all agree that continues to be a major weakness of the program.

Senator DODD. How many evictions were there? There were 9,600 in April. How do the evictions compare with the Duarte government on a monthly basis?

Ambassador ENDERS. We cannot tell you that.

Senator DODD. Do you quarrel with the 9,600 figure for evictions?

Ambassador ENDERS. Frankly, nobody has any very clear statistical information on this. We know there was a very serious problem a year ago. We fear a serious problem this year at this time, the planting season. As I have said very clearly, Senator, that is one of the criteria by which we should judge what is going on. I would like to get to the heart of what Senator Dodd is saying here, because I think it is important that we be careful as we enter this, be careful of what is their own legislative process and the political struggle between those who are for and against land reform as it is clearly going on and has been going on now for the last 2 years in El Salvador, that we not attempt also to find details or aspects of their legislation and regard those as the touchstone of whether the program is working or not.

I agree absolutely with what Senator Dodd says, that the program must go forward. Otherwise, the United States cannot continue the support which it has given on the terms it has given. That is absolutely clear as the administration's position. Now, how do you judge whether it is going forward?

I do not think we should judge whether it is going foward on the basis of the struggles within—in writing a given piece of legislation, exactly what attitudes have been taken. All parties down there say they are for land reform. Some say they want to perfect it. Some of the campesinos say that those parties that want to perfect it are actually trying to destroy it. There are charges going back and forth, and it is a superheated atmosphere in which nobody is fully confident of what the others are doing.

That is their struggle. What should be of concern to us, Senator, is, does the provisional titling process go forward? Do they control evictions? Does the compensation for owners go forward? Because one of the reasons not as much has been achieved as should have been achieved in the last 2 years was that compensation lagged so far behind, and that added to landlord resistance.

Finally, is the government making efforts to bring in those campesinos who have not made a claim for any reason at all, because they do not know, because they are afraid, because they are being threat-

ened, for any of the possible reasons. Are they making efforts to bring those in so they can go ahead and complete the land reform, because we think that overall, as you said, that some 170,000 people, including family members—that includes family members—should be the beneficiaries of this.

Now, I think we should judge it on the basis of what really does happen, and I think our certification requirement cycle gives us the opportunity to do it.

Senator DODD. Tom, I do not want to belabor the point, but I gather you met with the same people we did.

Ambassador ENDERS. Yes, I did.

Senator DODD. I presume they transmitted to you the same thing they did to us. There is no doubt in my mind that this very group that was so supportive of the electoral process, opposed the guerrillas, went to Europe to campaign against those voices in Europe that were supporting the guerrillas, in effect, are a very disheartened group of people today, and feel as though they have been taken advantage of by the Government of El Salvador today. I do not know if you got the same impression I did. Is that the impression they left with you?

Ambassador ENDERS. They are obviously deeply worried more about the intent of this legislation than about the fact of it. When you get down really to dealing with the fact of it, how does this change the acquired rights and so forth, then you get into a lot of uncertainty, but they say that we think this legislation is going to have the political effect or is designed to take our rights away, and will be used as an instrument by the landlords in a political way more than a legal way to deny them.

They are challenging the objectives and the intent of the Constituent Assembly and the Government, and they are probing that. This is a political struggle which is under way down there almost more than a legal matter. They expressed that worry very clearly and very deeply to me. Now, how that is going to come out is very hard to judge on the basis of a given provision of law. It is what the total political effect of the struggle is, and we are in the midst of that.

Senator DODD. I agree with you, and I want to thank you for your earlier statement, too. I am glad to hear you say how strongly you and the administration feel about land reform, and that is essential.

Ambassador ENDERS. There cannot be any question about that, I hope. We repeat it at every possible occasion.

Senator DODD. I think you are absolutely right. It is the overall situation. It is not the details of the law, though obviously they are important, but it is the overall perception and intent that is being perceived by the people who are most directly affected by this.

Ambassador ENDERS. We should look for the results. We have to have the results.

Senator TSONGAS. If the Senator would yield, there is something that I think should be put into the record. Before the April recess, Senator Dodd and I had a resolution which in essence involved negotiations. We wanted to take that up. There was a meeting that took place in Senator Percy's office between me, Senators Dodd, Kassebaum, and Percy, in which you argued that the resolution was premature and that it would in essence hamper the administration's

capacity to deal with the Government. As you know, that resolution was never considered. We acquiesced to your request, and in fact that resolution has not been heard from since.

So, the committee, I think, is attempting to be reasonable. My own interpretation is that in dealing with D'Aubuisson, you are dealing with a certain kind of personality. It is not dissimilar to the Reagan administration's view of Brezhnev. If you want to get arms control, you had better show them that if you do not get it you are willing to engage in an arms race. I think you ought to deal with D'Aubuisson in a very similar way. If he ever senses that you will back down no matter what he does, I think you are on a slippery slope. D'Aubuisson is one tough customer. You have to deal with him on those terms.

I think accommodation with a D'Aubuisson type personality always gets you only to the next ground, at which you will have the same problem.

That bit of psychoanalysis I give to you at no extra charge. [General laughter.]

Senator TSONGAS. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Secretary Enders, we have kept you here longer than we thought we would, but we appreciate very much your appearance before us today. It has been very helpful.

[Whereupon, at 10:55 a.m., the committee recessed, to go immediately into markup session.]

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